

**OAK RIDGE BEER PERMIT BOARD  
REGULAR MEETING**

**Municipal Building Training Room – Room 104  
Monday, October 14, 2013  
12:00 Noon**

**AGENDA**

1. **ATTENDANCE**
  
2. **APPROVAL OF MINUTES** – Regular Meeting of September 9, 2013
  
3. **APPLICATIONS FOR NEW BEER PERMITS AND ASSOCIATED MANAGER APPROVAL APPLICATIONS**

**Application No. 1487**

**Gaurav A. Patel, Owner/Manager  
Grove Market  
133 Randolph Road  
Class B Permit**

**Application No. 1488**

**Donald Wayne Lawson and Luis Roberto Rosales, Owners  
Luis Roberto Rosales, Manager  
Puerto Cancun LLC dba Puerto Cancun Mexican Grill and Bar  
299 Oak Ridge Turnpike  
Class C Permit**

4. **NEW MANAGER APPROVAL APPLICATIONS**

**Ashley Elizabeth Tyler**

**Additional Manager  
Ruby Tuesday  
375 S. Illinois Avenue**

5. **SHOW CAUSE HEARINGS**

Both show cause hearings arise out of a minor compliance check conducted by the Tennessee Alcoholic Beverage Commission. In both cases, the employee did not check the minor's ID.

**Show Cause Hearing # 2013-06**

**Hacienda DeGollado  
212 S. Illinois Avenue  
Class "C" Beer permit # 1355, Approved: 2/11/08  
Owners: Hacienda DeGollado LLC (Eduardo Ayala, Christian Munoz, Salvador DeLaCerde, Juan Antonio Ayala, and Jesus Ayala)  
Manager: Christian Munoz (Approved 2/11/08)**

At the September 9, 2013 meeting, the Board unanimously voted to hold a Show Cause Hearing for Hacienda DeGollado regarding the sale of beer to a minor which occurred on March 18, 2013 as part of a minor compliance check conducted by the Tennessee Alcoholic Beverage Commission.

**Show Cause Hearing # 2013-07**  
**Oak Ridge Moose Lodge #1316**  
**103 N. Jefferson Avenue**  
**Class "D" Beer permit # 984, Approved: 4/11/88**  
**Owners: Membership Based**  
**Manager: James M. Leitnaker, Jr. (Approved 1/9/12)**

At the September 9, 2013 meeting, the Board unanimously voted to hold a Show Cause Hearing for Moose Lodge regarding the sale of beer to a minor which occurred on March 18, 2013 as part of a minor compliance check conducted by the Tennessee Alcoholic Beverage Commission.

**6. NEW / OLD BUSINESS**

**Possible Ordinance Amendment –Training Requirements**

At the September 9, 2013 meeting, the Board requested language similar to Anderson County's training requirements for beer permit holders with the following exceptions: (1) require training every three years and (2) delete the requirement for the Board to approve the training courses. In response to this request Legal Department Memorandum 13-38, attached, provides suggested ordinance language for the Board's review.

**Anderson County Underage Drinking Task Force**

Ms. Scott attended the Anderson County Underage Drinking Task Force inaugural meeting and planning session on September 24, 2013. Ms. Scott has provided a chart from the meeting, which is included in the agenda packet. Ms. Scott will provide a verbal report on the meeting to the Board.

**7. ADJOURNMENT**

# MINUTES

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

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

PRESENT: Secretary Barton Bailey, Colin Colverson, Theresa Scott, Chairman Randy Tedford, and Wendy Williams

ABSENT: Debra Solmonson

ALSO PRESENT: Tammy Dunn, Senior Staff Attorney  
Alan Massengill, Deputy Chief of Police  
Derrick Dalton, Special Agent Tennessee Alcoholic Beverage Commission

AUDIENCE MEMBERS: Nang Crossno, Back 2 Brewski's Owner  
Michael Foster, Allies for Substance Abuse Prevention  
Bob Fowler, Knoxville News Sentinel  
John Huotari, Oak Ridge Today

**ATTENDANCE**

In the absence of the chairperson, Ms. Dunn called the meeting to order at 12:00 noon. All members were present except Ms. Solmonson who gave prior notice of her absence to the Legal Department and Chairman Tedford who gave prior notice to the Legal Department that he would be delayed. Chairman Tedford arrived during the Show Cause Hearing discussion.

**ACTING CHAIRPERSON**

In the absence of the chairperson, Mr. Colverson moved seconded by Ms. Scott to nominate Secretary Bailey as Acting Chairman and the motion carried unanimously (4-0).

**APPROVAL OF MINUTES**

The minutes were revised to reflect grammatical changes. Mr. Colverson moved seconded by Ms. Scott to approve the minutes of the August 12, 2013 meeting and the motion carried unanimously (4-0).

**APPLICATIONS FOR NEW BEER PERMITS AND THEIR ASSOCIATED MANAGER APPROVALS**

**Application No. 1483**  
**St. Mary's Catholic Church**  
**John Slankas, Supervisor of Beer Sales**  
**Fall Festival at St. Mary's Church (327 Vermont Avenue)**  
**October 4-5, 2013**  
**Class "E" Permit**

Mr. Slankas was present to discuss the special event beer permit application for St. Mary's Catholic Church. Ms. Williams inquired whether there should be cut off time for beer sales prior to the ending time of the event. Acting Chairman Bailey stated there is nothing in the rules that requires a cut off time. Having no further questions and having assurances the event would be run similarly to those in the past, Mr. Colverson moved seconded by Ms. Scott to approve the application and the motion carried unanimously (4-0).

**Application No 1485**

**Lehigh Gas-Ohio, LLC, Owner**  
**Regina Sue Jett, Manager**  
**Rocky Top Market #905**  
**20 Jefferson Avenue**  
**Class "B" Permit**

Ms. Jett, Manager, and Jim Gardner, CFO of Rocky Top, were present to discuss the beer permit application and manager application. The Board inquired about the sale of Rocky Top Markets to Lehigh Gas-Ohio, LLC, and the new owner's experience in beer sales. Mr. Gardner stated the corporate policies would remain the same as would Tennessee Responsible Vendor training. Mr. Colverson moved seconded by Ms. Williams to approve the applications and the motion carried unanimously (4-0).

**Application No 1486**

**Lehigh Gas-Ohio, LLC, Owner**  
**Judd Garbett, Manager**  
**Rocky Top Market #903**  
**1190 Oak Ridge Turnpike**  
**Class "B" Permit**

Based upon the information provided during Application No. 1485, Acting Chairman Bailey moved seconded by Mr. Colverson to approve the applications and the motion carried unanimously (4-0).

**NEW MANAGER APPROVAL APPLICATIONS**

**Andy Keck**

**Applebee's**  
**1213 Oak Ridge Turnpike**

Mr. Keck was present to discuss his manager application. The Board inquired how the new policies discussed at the previous meeting were working and Mr. Keck stated they were working well and had been adopted by Knoxville area Applebee's locations as well. Acting Chairman Bailey moved seconded by Ms. Scott to approve the application and the motion carried unanimously (4-0).

**SHOW CAUSE HEARING**

**Show Cause Hearing # 2013-05**

**Lincoln's Sports Grille**  
**119 S. Illinois Avenue**  
**Class "C" Beer permit # 1406, Approved: 8/9/10**  
**Class "B" (Catering) Beer Permit #1439, Approved: 11/14/11**  
**Owners: Scott Green, Lendon Aaron Hart, Mike Lincoln, and Vander J. Murray**  
**Manager: Lisa Green (Approved 4/8/13)**

Acting Chairman Bailey announced the show cause hearing and swore in the witnesses. Scott Green, Owner, and Lisa Green, Manager, were present for the hearing on behalf of Lincoln's.

Special Agent Derrick Dalton, Tennessee Alcoholic Beverage Commission (TABC), reported to the Board that the TABC conducted a minor compliance check on March 18, 2013. As part of this compliance check, Lincoln's sold beer to a minor and was issued a citation by the TABC. Lincoln's paid \$1,500.00 to the TABC on March 24, 2013 for the violation. Special Agent Dalton further reported the employee who sold beer to the minor did not check the minor's identification. Special Agent Dalton reported the employee received a citation to General Sessions Court; however, he was unaware of the disposition of the case.

Mr. Green stated the employee who sold beer to the minor was new and in training shadowing another employee. Unfortunately, the employee took it upon himself to serve a patron when his trainer was busy. Mr. Green further stated this was against Lincoln's rules and, while it was a mistake on the employee's part, Lincoln's has a zero tolerance policy and the employee was terminated. Mr. Green also stated the employee was within the 60-day grace period the TABC gives an employee to receive server training. As a result, Mr. Green stated Lincoln's policy has changed and employees cannot begin work at all until the employee has been TABC certified. Mr. Green also stated the manager on duty at the time of the unlawful sale is no longer employed at Lincoln's. Special Agent Dalton confirmed the employee was new and in training and was within the 61-day grace period given by the TABC.

Mr. and Mrs. Green both stated the business does a good job of training employees and neither knew what more could have been done to prevent the unlawful sale because the employee was aware of the rules and went against policy anyway. Mr. and Mrs. Green stated the only additional action Lincoln's could take to prevent this in the future was to change the hiring policy to require employees to be TABC certified prior to beginning any work. Mrs. Green mentioned the business has been tested before by the TABC and passed. Mr. Green stated, while they do not take this situation lightly, it was simply a mistake by an employee not a problem with training.

Ms. Scott and Ms. Williams mentioned the unlawful sale occurred just one week after Lincoln's last show cause hearing in March 2013. At that hearing, business owners said Lincoln's does a good job of carding patron and training employees. Mr. Green stated the situation is unfortunate but he stands by his statement that Lincoln's does a good job of training and nothing Lincoln's did caused this mistake.

Chief Massengill stated there have been some issues in the past with Lincoln's but those issues seem to be settled down. Chief Massengill stated Lincoln's needs to continue to pay attention to crowd control and clientele. [Chairman Tedford arrived after this discussion.]

Mr. Colverson asked about the training the employee had prior to the unlawful sale. Mrs. Green stated the employee was on his first or second shift shadowing. Mrs. Green stated all servers learn phases of the business from bussing to hosting to kitchen/menu and are tested at each phase. Mrs. Green stated this employee had been told there was a zero tolerance policy and all patrons must be carded for alcohol purchases. Mr. Colverson stated his concern was whether this was an isolated mistake or whether this was a result of insufficient or inadequate training.

Acting Chairman Bailey asked how the policy change would prevent an unlawful sale from occurring again. Mrs. Green stated when employees must be TABC certified prior to beginning work the training will be fresh in the employee's mind since it is a five-hour training class where they learn how to card patrons, spot fake IDs, cut patrons off, etc. Then employees will receive training at Lincoln's and will shadow another employee and not approach patrons without supervision until released to work alone. When asked by Ms. Scott, Mr. Green stated he received TABC training around March 2010 and Mrs. Green stated she received TABC training around October 2012.

Acting Chairman Bailey moved that Lincoln's had shown adequate cause as to why negative action should not be taken against the permit. The motion died for lack of a second.

Ms. Scott moved seconded by Ms. Williams that Lincoln's had not shown adequate cause as to why negative action should not be taken against the permit. The Board discussed this motion and looked at prior history for Lincoln's with the Board and the TABC. The motion carried by a vote of 3 to 1 with Acting Chairperson Bailey voting against. Chairman Tedford abstained since he arrived in the middle of the hearing.

After some discussion concerning specific language for a motion, Mr. Colverson moved seconded by Acting Chairman Bailey to suspend the beer permit for one week beginning on September 22, 2013, with Lincoln's having the option to have the one week suspension lifted if Lincoln's will show all employees (servers and bartenders) are TABC certified by September 16, 2013. The motion carried by a vote of 3 to 0. Chairman Tedford and Ms. Williams abstained from the vote. When asked, Mr. Green stated he was fine with this result and would provide information on training to the Legal Department.

At the conclusion of the show cause hearing, Acting Chairman Bailey moved seconded by Mr. Colverson for Chairman Tedford to take over the meeting and the motion carried unanimously.

### **NEW / OLD BUSINESS**

#### **Tennessee Alcoholic Beverage Commission – Five-Year Violation History; Documentation on Establishments that Sold Beer to a Minor on March 18, 2013 as part of the Commission's Minor Compliance Operation; and Request for Information on Results of Future Operations**

The Board discussed the five-year history report received by the TABC. After some discussion, the Board voted to hold show cause hearings on the remaining establishments that sold beer to a minor as part of the TABC minor compliance check on March 18, 2013 as follows:

Ms. Scott moved seconded by Secretary Bailey to hold show cause hearings for the Moose Lodge and Hacienda DeGollado at the October 14, 2013 regular meeting and the motion carried unanimously (5-0).

Mr. Colverson moved seconded by Secretary Bailey to hold show cause hearings for Ruby Tuesday, Hidalgo Mexican Restaurant, and Aubrey's at the rescheduled November 18, 2013 regular meeting and the motion carried unanimously (5-0).

### **APPLICATIONS FOR NEW BEER PERMITS AND THEIR ASSOCIATED MANAGER APPROVALS**

(Revisited)

#### **Application No 1484**

**Free Medical Clinic of Oak Ridge**

**Robert Bardorf and John Cosgrove, Supervisors of Beer Sales**

**Taste of Oak Ridge Event at Jackson Square Parking Lot**

**September 28, 2013**

**Class "E" Permit**

Mr. Bardorf arrived late to discuss the special event application for the Taste of Oak Ridge event; therefore, this application was considered by the Board out of agenda order. Having assurances that the event would be run similarly to those in the past, Chairman Tedford moved seconded by Ms. Scott to approve the application and the motion carried unanimously (5-0).

**NEW / OLD BUSINESS**

(Resumed)

**Possible Ordinance Amendments – Requiring Permittees to Notify the City/Board when Cited by the Tennessee Alcoholic Beverage Commission; and Requiring Training Before Issuance of a Beer Permit**

Chairman Tedford moved seconded by Ms. Scott to approve the following language as an ordinance amendment recommendation to City Council and the motion carried unanimously (5-0):

City Code §8-608. Permittees are Responsible for Notifying the Board of any State Violations.

In the event a permittee receives a citation from the State of Tennessee Alcoholic Beverage Commission alleging a violation of state law and/or rules governing the sale of alcoholic beverages, the permittee must submit notification to the Board (or the Board's designee) of the citation and alleged violation within ten (10) calendar days.

The Board also discussed potential options for imposing training requirements on beer permit holders and/or their employees. After some discussion, the Board requested proposed language at the October meeting to incorporate training requirements similar to Anderson County's requirements with the addition of requiring the training every three years and deleting the requirement that the Board approve the training courses.

Michael Foster, Allies for Substance Abuse Prevention, invited the Board to the upcoming task force meeting.

**ADJOURNMENT**

Mr. Colverson moved, seconded by Chairman Tedford, to adjourn the meeting and the motion carried unanimously. Meeting adjourned at 1:25 p.m.

Respectfully submitted,

Barton Bailey, Secretary

# APPLICATIONS

**CITY OF OAK RIDGE, TENNESSEE  
APPLICATION FOR BEER PERMIT**

Application for (check all that apply):

manufacturer (Class A Permit)  
 hotel or club (Class D Permit)

on-premises consumption (Class C Permit)  
 off-premises consumption (Class B Permit)

I hereby, as an owner or agent/representative of the business, make application to the Oak Ridge Beer Permit Board for a beer permit pursuant to the Oak Ridge City Code and Tennessee law. This application is based upon the following information:

1. Request is made for (check all that apply):

new beer permit

existing permit—name change

existing permit—ownership change

existing permit—change location

existing permit—additional permit type

2. Name under which business will operate:

Grove Market

By Tennessee Code Annotated §57-5-103(a)(3)(C), a beer permit is only valid for the business operating under the name identified on the permit. A change in name will automatically invalidate the beer permit and a new permit must be obtained to continue to sell/serve beer. There is no grace period or holdover period for selling beer during this time.

3. Street address where business will operate:

133 Randolph Rd

By Tennessee Code Annotated §57-5-103(a)(3)(B), a beer permit is only valid for a single location and cannot be transferred to a new location. A permit is valid for all decks, patios, and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business. A change in location will invalidate the beer permit and a new permit must be obtained to continue to sell/serve beer. There is no grace period or holdover period for selling beer during this time.

4. Business Telephone Number:

865 483 9580

5. Proposed date business will open under this ownership: \_\_\_\_\_

6. Full Name of Applicant (Owner or Owner's Agent/Representative):

Aarav. G. Patel

7. Applicant's prior experience selling/serving beer or other alcoholic beverage:

yes

8. Type of business entity:

Individual \_\_\_\_\_ Corporation  L.L.C. \_\_\_\_\_ Joint-stock Company \_\_\_\_\_  
Partnership \_\_\_\_\_ Other \_\_\_\_\_

9. Full name of the person to be the on-premise manager responsible for the direct daily operations of the business:

Aarav. G. Patel

10. Name and mailing address of person to receive communication from the City and/or Beer Board (ex. annual privilege tax notices) as well as said person's relationship to the business:

Grove Market 133 Randolph Rd Oak Ridge TN 37830

11. Describe the nature of the business (ex. restaurant, bar, tavern, club, convenience store, etc.)

Gas Station Convenience Store

12. Description of the business's footprint and parking areas available to/for the use of the business (attach drawing if available):

10 to 12 Cars Parking

13. Name, mailing address and telephone number of the property owner, if other than the business owner:

\_\_\_\_\_

NOTE: If the business owner is different from the property owner, you must submit a signed and notarized written statement from the property owner giving the applicant/business permission to sell or serve beer on the premises. Include this statement with the application.

14. Has any owner (having at least a five percent (5%) ownership interest) ever had a liquor license or beer permit suspended, revoked or denied? No

If yes, where and under what business name? \_\_\_\_\_

15. Has any owner (having at least a five percent (5%) ownership interest) or any person to be employed in the distribution or sale of beer been convicted of violating any law against possession, sale, manufacture or transportation of beer or intoxicating liquor, drugs, or narcotics or of a crime involving moral turpitude within the last ten (10) years? No

If so, give particulars of each charge, court and date convicted.

\_\_\_\_\_  
\_\_\_\_\_

16. Does any owner have a business or personal relationship with any person who previously held a beer permit for this location, or with any person or entity who owned any portion of a business which previously held a beer permit at this location? No

If yes, explain: \_\_\_\_\_

17. Name and address of the nearest church and school. By City Code §8-705, the Beer Board shall not approve a beer permit where, in the opinion of the board, such sale would interfere with schools, churches or other places of public gathering.

\_\_\_\_\_

18. Describe steps which will be taken to prevent the sale of beer to those under twenty-one (21):

\_\_\_\_\_  
\_\_\_\_\_

**NOTE: In accordance with Tennessee Code Annotated §57-5-103(d), all beer permit holders must provide documentation that they are duly registered for sales tax purposes. A copy of the sales tax registration certificate must be submitted with this application or within ten (10) days after being issued a beer permit.**

Applicant hereby solemnly swears or affirms the following:

- Every statement in this application is true and correct, and if any statement therein is false, the permit issued thereto may be revoked by the Beer Board, after notice of a hearing, in which event the burden shall be on the applicant to prove the correctness of all statements in the application.
- The owner(s) is(are) of good moral character and has/have sufficient legal interest in a suitable location as would entitle him/her/them to conduct the sale of beer.
- The City has my full authorization and release to obtain all relevant information to investigate and determine my character, qualifications, and suitability for the issuance of a beer permit.
- Neither myself nor any owner or manager has been convicted of driving under the influence within the past ten (10) years.
- Unlawful gambling and gaming devices will not be allowed in the business.
- Beer will not be sold or served to a person who appears to be intoxicated.
- Beer will not be sold or served to a person under the age of twenty-one (21).
- Persons under the age of twenty-one (21) will not be allowed to consume beer or other alcoholic beverage, nor will they be allowed to loiter on the premises.
- The business will comply with the provisions of Tennessee Code Annotated §57-5-301(e)(1) regarding possession and transportation of beer by persons under the age of twenty-one (21).
- All laws, ordinances, rules, and regulations governing the sale or distribution of beer will be observed and complied with, and all employees will be trained accordingly.
- Clean, sanitary facilities will be provided.
- The business will be conducted in an orderly, peaceable and lawful manner and no loud or obnoxious noises will be allowed.
- No beer or other alcoholic beverages will be sold or consumed on the premises except during lawful hours as set by city ordinance.
- The business is authorized to do business within the City of Oak Ridge and the State of Tennessee.
- Should any manager cease to act in such capacity, this fact shall be reported to the City's Legal Department at 425-3530 within five (5) days.
- Should any ownership change, this fact shall be reported to the City's Legal Department at 425-3530 within one (1) business day, and the beer permit shall be returned to the City.
- The City Manager (through the Oak Ridge Police Department) has full power, including right of entry, to enforce the beer ordinances and to inspect and investigate any reported or alleged violations without the necessity of a search warrant.
- The beer permit, once obtained, shall at all times be posted in a conspicuous place within the establishment that is easily seen by patrons.
- The beer permit may be revoked or suspended, after notice and a hearing by the Board, for any violations of the above statements, for any misinformation or omission contained within this application, for any violation of the Code of Ordinances, Title 8, Chapters 6-8, or for any violations of State law relating to beer, alcohol or crimes of moral turpitude.
- The applicant has ensured the business is in compliance with all zoning requirements for this location.

I hereby release, absolve and hold harmless the City of Oak Ridge, the Oak Ridge Beer Permit Board, the Oak Ridge Police Department, its employees, agents and representatives from any and all liability of whatever type for any damages, causes of action, personal property injuries which may result as a consequence of my application for a beer permit, background investigation, release of documents or other matters related to my application. I hereby waive all possible liability of the City of Oak Ridge, the Oak Ridge Beer Permit Board, the Oak Ridge Police Department, its employees, agents and representatives as stated above.

This the 6th day of September, 2013.

[Signature]  
Signature of Applicant

Sworn to and subscribed before me this 6th day of September, 2013.

My commission expires: Jan 27, 2014.

[Signature]  
Notary Public



**CITY OF OAK RIDGE, TENNESSEE  
APPLICATION FOR APPROVAL AS MANAGER**

I hereby make application to the Oak Ridge Beer Permit Board for approval as Manager pursuant to the Oak Ridge City Code. This application is based upon the following information:

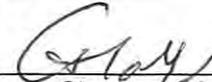
1. Business Name ANSHP INC DBA Grove Market  
Business Address 133 Randolph Rd
  
2. Manager's Full Name Gaurav A. Patel
  
3. Request is made as (check which applies):  
Additional Manager \_\_\_\_\_ Replacement of Prior Manager \_\_\_\_\_
  
4. Manager's prior experience selling/serving beer or other alcoholic beverage:  
6 Years Kwik Stop
  
5. Manager's Work History:  
How long have you been employed at the business? 6 Years  
Date you became Manager: 2006 March  
Name of Previous Manager: \_\_\_\_\_ Date left: Dec 14th 2012  
Previous Employment for the past ten (10) years (name of business, address, length of employment, position held). Attach additional sheets if necessary):  
Kwik Stop 98 Arkansas Ave Oak Ridge TN 37830
  
6. Beer Permit History:  
Have you ever been employed at an establishment with a beer permit? Yes  
If so, where and when: Kwik Stop  
Have you ever been a manager of an establishment with a beer permit? Yes  
Have you ever had a beer permit refused, suspended or revoked? No  
If so, where and when: \_\_\_\_\_
  
7. Manager's Criminal History:  
Have you ever been convicted of any violation of federal laws, state statutes, or city ordinances involving the possession, sale, manufacture or transportation of intoxicating liquors, drugs or narcotics, or of a crime of moral turpitude with the past ten years? No  
If so, provide details of the offense and when you were convicted:  
\_\_\_\_\_  
\_\_\_\_\_
  
8. Describe steps which will be taken to prevent the sale of beer to persons under twenty-one (21):  
Check ID

Applicant hereby solemnly swears or affirms the following:

- Every statement in this application is true and correct, and if any statement therein is false, the permit issued thereto may be revoked by the Beer Board, after notice of a hearing, in which event the burden shall be on the applicant to prove the correctness of all statements in the application.
- I am of good moral character and as manager of the business am able to conduct the sale of beer.
- The City has my full authorization and release to obtain all relevant information to investigate and determine my character, qualifications, and suitability for the issuance of a beer permit.
- I have not been convicted of driving under the influence within the past ten (10) years. (Not applicable if manager also possesses a current server permit from the Tennessee Alcoholic Beverage Commission)
- Unlawful gambling and gaming devices will not be allowed in the business.
- Beer will not be sold or served to a person who appears to be intoxicated.
- Beer will not be sold or served to a person under the age of twenty-one (21).
- Persons under the age of twenty-one (21) will not be allowed to consume beer or other alcoholic beverage, nor will they be allowed to loiter on the premises.
- The business will comply with the provisions of Tennessee Code Annotated §57-5-301(e)(1) regarding possession and transportation of beer by persons under the age of twenty-one (21).
- All laws, ordinances, rules, and regulations governing the sale or distribution of beer will be observed and complied with, and all employees will be trained accordingly.
- The business will be conducted in an orderly, peaceable and lawful manner and no loud or obnoxious noises will be allowed.
- No beer or other alcoholic beverages will be sold or consumed on the premises except during lawful hours as set by city ordinance.
- Should I cease to act as manager, this fact shall be reported to the City's Legal Department at 425-3530 within five (5) days.
- The City Manager (through the Oak Ridge Police Department) has full power, including right of entry, to enforce the beer ordinances and to inspect and investigate any reported or alleged violations without the necessity of a search warrant.
- My manager approval may be revoked or suspended, after notice and a hearing by the Board, for any violations of the above statements, for any misinformation or omission contained within this application, for any violation of the Code of Ordinances, Title 8, Chapters 6-8, or for any violations of State law relating to beer, alcohol or crimes of moral turpitude.

I hereby release, absolve and hold harmless the City of Oak Ridge, the Oak Ridge Beer Permit Board, the Oak Ridge Police Department, its employees, agents and representatives from any and all liability of whatever type for any damages, causes of action, personal property injuries which may result as a consequence of my application for a beer permit, background investigation, release of documents or other matters related to my application. I hereby waive all possible liability of the City of Oak Ridge, the Oak Ridge Beer Permit Board, the Oak Ridge Police Department, its employees, agents and representatives as stated above.

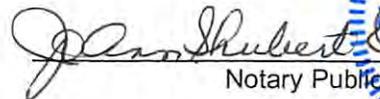
This the 6<sup>TH</sup> day of September, 2013.



Signature of Applicant

Sworn to and subscribed before me this 6<sup>TH</sup> day of September, 2013

My commission expires: Jun. 27, 2014

  
Notary Public



CITY OF OAK RIDGE, TENNESSEE  
APPLICATION FOR BEER PERMIT

Application for (check all that apply):

- manufacturer (Class A Permit)
- hotel or club (Class D Permit)
- on-premises consumption (Class C Permit)
- off-premises consumption (Class B Permit)

I hereby, as an owner or agent/representative of the business, make application to the Oak Ridge Beer Permit Board for a beer permit pursuant to the Oak Ridge City Code and Tennessee law. This application is based upon the following information:

1. Request is made for (check all that apply):

- new beer permit
- existing permit—name change
- existing permit—ownership change
- existing permit—change location
- existing permit—additional permit type

2. Name under which business will operate: \_\_\_\_\_

By Tennessee Code Annotated §57-5-103(a)(3)(C), a beer permit is only valid for the business operating under the name identified on the permit. A change in name will automatically invalidate the beer permit and a new permit must be obtained to continue to sell/serve beer. There is no grace period or holdover period for selling beer during this time.

3. Street address where business will operate: 299 Oak Ridge Turnpike Oak Ridge, TN 37830

By Tennessee Code Annotated §57-5-103(a)(3)(B), a beer permit is only valid for a single location and cannot be transferred to a new location. A permit is valid for all decks, patios, and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business. A change in location will invalidate the beer permit and a new permit must be obtained to continue to sell/serve beer. There is no grace period or holdover period for selling beer during this time.

4. Business Telephone Number: 865-483-6397

5. Proposed date business will open under this ownership: Oct 23<sup>rd</sup>, 2013

6. Full Name of Applicant (Owner or Owner's Agent/Representative):  
Luis Roberto Rosales, Donald Wayne Lawson

7. Applicant's prior experience selling/serving beer or other alcoholic beverage:  
Worked at Cancun Mexican Restaurant and obtained my ABC permit to serve on 2/1/2010.

8. Type of business entity:  
Individual \_\_\_\_\_ Corporation \_\_\_\_\_ L.L.C.  Joint-stock Company \_\_\_\_\_  
Partnership \_\_\_\_\_ Other \_\_\_\_\_

9. Full name of the person to be the on-premise manager responsible for the direct daily operations of the business:  
Luis Roberto Rosales

10. Name and mailing address of person to receive communication from the City and/or Beer Board (ex. annual privilege tax notices) as well as said person's relationship to the business:  
Luis Roberto Rosales 299 Oak Ridge Turnpike Oak Ridge, TN 37830

11. Describe the nature of the business (ex. restaurant, bar, tavern, club, convenience store, etc.)

Restaurant

12. Description of the business's footprint and parking areas available to/for the use of the business (attach drawing if available):

This restaurant will be located in the existing location of Hidalgo Mexican Rest. at 299 Oak Ridge Turnpike.

13. Name, mailing address and telephone number of the property owner, if other than the business owner:

Bruce Hale 227 Oak Ridge Turnpike Oak Ridge, TN 37830  
865-399-8194

NOTE: If the business owner is different from the property owner, you must submit a signed and notarized written statement from the property owner giving the applicant/business permission to sell or serve beer on the premises. Include this statement with the application.

14. Has any owner (having at least a five percent (5%) ownership interest) ever had a liquor license or beer permit suspended, revoked or denied? NO

If yes, where and under what business name? \_\_\_\_\_

15. Has any owner (having at least a five percent (5%) ownership interest) or any person to be employed in the distribution or sale of beer been convicted of violating any law against possession, sale, manufacture or transportation of beer or intoxicating liquor, drugs, or narcotics or of a crime involving moral turpitude within the last ten (10) years? NO

If so, give particulars of each charge, court and date convicted.

16. Does any owner have a business or personal relationship with any person who previously held a beer permit for this location, or with any person or entity who owned any portion of a business which previously held a beer permit at this location? NO

If yes, explain: \_\_\_\_\_

17. Name and address of the nearest church and school. By City Code §8-705, the Beer Board shall not approve a beer permit where, in the opinion of the board, such sale would interfere with schools, churches or other places of public gathering.

Glenwood Baptist Church 200 N. Alabama Rd. / Glenwood Elementary School  
Oak Ridge, TN / 125 Audubon Rd Oak Ridge, TN

18. Describe steps which will be taken to prevent the sale of beer to those under twenty-one (21):

Checking EVERONES ID, regardless of age. Monthly training of all employees that serve alcohol in identifying fake IDs

**NOTE: In accordance with Tennessee Code Annotated §57-5-103(d), all beer permit holders must provide documentation that they are duly registered for sales tax purposes. A copy of the sales tax registration certificate must be submitted with this application or within ten (10) days after being issued a beer permit.**

Applicant hereby solemnly swears or affirms the following:

- Every statement in this application is true and correct, and if any statement therein is false, the permit issued thereto may be revoked by the Beer Board, after notice of a hearing, in which event the burden shall be on the applicant to prove the correctness of all statements in the application.
- The owner(s) is(are) of good moral character and has/have sufficient legal interest in a suitable location as would entitle him/her/them to conduct the sale of beer.
- The City has my full authorization and release to obtain all relevant information to investigate and determine my character, qualifications, and suitability for the issuance of a beer permit.
- Neither myself nor any owner or manager has been convicted of driving under the influence within the past ten (10) years.
- Unlawful gambling and gaming devices will not be allowed in the business.
- Beer will not be sold or served to a person who appears to be intoxicated.
- Beer will not be sold or served to a person under the age of twenty-one (21).
- Persons under the age of twenty-one (21) will not be allowed to consume beer or other alcoholic beverage, nor will they be allowed to loiter on the premises.
- The business will comply with the provisions of Tennessee Code Annotated §57-5-301(e)(1) regarding possession and transportation of beer by persons under the age of twenty-one (21).
- All laws, ordinances, rules, and regulations governing the sale or distribution of beer will be observed and complied with, and all employees will be trained accordingly.
- Clean, sanitary facilities will be provided.
- The business will be conducted in an orderly, peaceable and lawful manner and no loud or obnoxious noises will be allowed.
- No beer or other alcoholic beverages will be sold or consumed on the premises except during lawful hours as set by city ordinance.
- The business is authorized to do business within the City of Oak Ridge and the State of Tennessee.
- Should any manager cease to act in such capacity, this fact shall be reported to the City's Legal Department at 425-3530 within five (5) days.
- Should any ownership change, this fact shall be reported to the City's Legal Department at 425-3530 within one (1) business day, and the beer permit shall be returned to the City.
- The City Manager (through the Oak Ridge Police Department) has full power, including right of entry, to enforce the beer ordinances and to inspect and investigate any reported or alleged violations without the necessity of a search warrant.
- The beer permit, once obtained, shall at all times be posted in a conspicuous place within the establishment that is easily seen by patrons.
- The beer permit may be revoked or suspended, after notice and a hearing by the Board, for any violations of the above statements, for any misinformation or omission contained within this application, for any violation of the Code of Ordinances, Title 8, Chapters 6-8, or for any violations of State law relating to beer, alcohol or crimes of moral turpitude.
- The applicant has ensured the business is in compliance with all zoning requirements for this location.

I hereby release, absolve and hold harmless the City of Oak Ridge, the Oak Ridge Beer Permit Board, the Oak Ridge Police Department, its employees, agents and representatives from any and all liability of whatever type for any damages, causes of action, personal property injuries which may result as a consequence of my application for a beer permit, background investigation, release of documents or other matters related to my application. I hereby waive all possible liability of the City of Oak Ridge, the Oak Ridge Beer Permit Board, the Oak Ridge Police Department, its employees, agents and representatives as stated above.

This the 30<sup>th</sup> day of September, 2013.  
*CTL*

*Luis Morales*  
Signature of Applicant

Sworn to and subscribed before me this 30<sup>th</sup> day of September, 2013.  
My commission expires: 5-1-16  
*CTL*



*Cynthia Heron*  
Notary Public

CITY OF OAK RIDGE, TENNESSEE  
APPLICATION FOR APPROVAL AS MANAGER

I hereby make application to the Oak Ridge Beer Permit Board for approval as Manager pursuant to the Oak Ridge City Code. This application is based upon the following information:

1. Business Name Puerto Cancun, LLC dba Puerto Cancun Mexican Grill and Bar  
Business Address 299 Oak Ridge Turnpike Oak Ridge, TN 37830
  
2. Manager's Full Name Luis Roberto Rosales
  
- ③ Request is made as (check which applies):  
Additional Manager \_\_\_\_\_ Replacement of Prior Manager \_\_\_\_\_
  
4. Manager's prior experience selling/serving beer or other alcoholic beverage:  
Served beer and alcoholic beverages at various restaurants since 2010, February. Managed restaurant serving alcoholic beverages for four (4) months.
  
- ⑤ Manager's Work History:  
How long have you been employed at the business? \_\_\_\_\_  
Date you became Manager: Approximately Oct. 17 2013  
Name of Previous Manager: \_\_\_\_\_ Date left: \_\_\_\_\_  
Previous Employment for the past ten (10) years (name of business, address, length of employment, position held). Attach additional sheets if necessary):  
Cancun Mexican Restaurant - Oak Ridge, TN 2009 to 2012  
La Parilla Mexican Grill - Knoxville, TN 2012 to 2013  
Old West Mexican Restaurant - Maryville, TN 2013 to 2013
  
6. Beer Permit History:  
Have you ever been employed at an establishment with a beer permit? Yes  
If so, where and when: All of the above restaurants  
Have you ever been a manager of an establishment with a beer permit? Yes, Old West Mexican Rest.  
Have you ever had a beer permit refused, suspended or revoked? No  
If so, where and when: \_\_\_\_\_
  
7. Manager's Criminal History:  
Have you ever been convicted of any violation of federal laws, state statutes, or city ordinances involving the possession, sale, manufacture or transportation of intoxicating liquors, drugs or narcotics, or of a crime of moral turpitude with the past ten years? No  
If so, provide details of the offense and when you were convicted:  
\_\_\_\_\_  
\_\_\_\_\_
  
8. Describe steps which will be taken to prevent the sale of beer to persons under twenty-one (21):  
Check everyone's ID, regardless of age. Monthly training of all employees that serve beer in identifying fake ID's.

Applicant hereby solemnly swears or affirms the following:

- Every statement in this application is true and correct, and if any statement therein is false, the permit issued thereto may be revoked by the Beer Board, after notice of a hearing, in which event the burden shall be on the applicant to prove the correctness of all statements in the application.
- I am of good moral character and as manager of the business am able to conduct the sale of beer.
- The City has my full authorization and release to obtain all relevant information to investigate and determine my character, qualifications, and suitability for the issuance of a beer permit.
- I have not been convicted of driving under the influence within the past ten (10) years. (Not applicable if manager also possesses a current server permit from the Tennessee Alcoholic Beverage Commission)
- Unlawful gambling and gaming devices will not be allowed in the business.
- Beer will not be sold or served to a person who appears to be intoxicated.
- Beer will not be sold or served to a person under the age of twenty-one (21).
- Persons under the age of twenty-one (21) will not be allowed to consume beer or other alcoholic beverage, nor will they be allowed to loiter on the premises.
- The business will comply with the provisions of Tennessee Code Annotated §57-5-301(e)(1) regarding possession and transportation of beer by persons under the age of twenty-one (21).
- All laws, ordinances, rules, and regulations governing the sale or distribution of beer will be observed and complied with, and all employees will be trained accordingly.
- The business will be conducted in an orderly, peaceable and lawful manner and no loud or obnoxious noises will be allowed.
- No beer or other alcoholic beverages will be sold or consumed on the premises except during lawful hours as set by city ordinance.
- Should I cease to act as manager, this fact shall be reported to the City's Legal Department at 425-3530 within five (5) days.
- The City Manager (through the Oak Ridge Police Department) has full power, including right of entry, to enforce the beer ordinances and to inspect and investigate any reported or alleged violations without the necessity of a search warrant.
- My manager approval may be revoked or suspended, after notice and a hearing by the Board, for any violations of the above statements, for any misinformation or omission contained within this application, for any violation of the Code of Ordinances, Title 8, Chapters 6-8, or for any violations of State law relating to beer, alcohol or crimes of moral turpitude.

I hereby release, absolve and hold harmless the City of Oak Ridge, the Oak Ridge Beer Permit Board, the Oak Ridge Police Department, its employees, agents and representatives from any and all liability of whatever type for any damages, causes of action, personal property injuries which may result as a consequence of my application for a beer permit, background investigation, release of documents or other matters related to my application. I hereby waive all possible liability of the City of Oak Ridge, the Oak Ridge Beer Permit Board, the Oak Ridge Police Department, its employees, agents and representatives as stated above.

This the 30<sup>th</sup> day of Sept., 2013.

Jim Reul  
Signature of Applicant

Sworn to and subscribed before me this 30<sup>th</sup> day of Sept., 2013.

My commission expires: 5-1-16.

Cynthia T. Lawson  
Notary Public



I, Bruce Hale, give Puerto Cancun, LLC d/b/a Puerto Cancun Mexican Grill and Bar permission to serve beer in the building that Puerto Cancun Mexican Grill and Bar will conduct business, located at 229 Oak Ridge Turnpike Oak Ridge, TN 37830

209 801



Signature of owner of building

BRUCE HALE

Print Name

Subscribed and sworn to before me this 30 day of Sept, 2013

My Commission Expires 3-1-2015

Darlene Giles

Notary Public



**CITY OF OAK RIDGE, TENNESSEE  
APPLICATION FOR APPROVAL AS MANAGER**

I hereby make application to the Oak Ridge Beer Permit Board for approval as Manager pursuant to the Oak Ridge City Code. This application is based upon the following information:

1. Business Name Ruby Tuesday  
Business Address 375 Illinois Ave. Oak Ridge 37830
  
2. Manager's Full Name Ashley Elizabeth Tyler
  
3. Request is made as (check which applies):  
Additional Manager  Replacement of Prior Manager
  
4. Manager's prior experience selling/serving beer or other alcoholic beverage:  
manages at other Ruby Tuesday locations: Henois City, Knoxville, Pigeon Forge
  
5. Manager's Work History:  
How long have you been employed at the business? 5 months at O.R. location  
Date you became Manager: May 2013  
Name of Previous Manager: NA Date left: NA  
Previous Employment for the past ten (10) years (name of business, address, length of employment, position held). Attach additional sheets if necessary):  
Ruby Tuesday Inc. Maryville TN 37803 2003-2006  
Hosa's Catering Knoxville TN 2006-2008  
Ruby Tuesday Inc. Maryville TN 2006-present
  
6. Beer Permit History:  
Have you ever been employed at an establishment with a beer permit? Yes  
If so, where and when: Ruby Tuesday 2003-present  
Have you ever been a manager of an establishment with a beer permit? Yes  
Have you ever had a beer permit refused, suspended or revoked? No  
If so, where and when: \_\_\_\_\_
  
7. Manager's Criminal History:  
Have you ever been convicted of any violation of federal laws, state statutes, or city ordinances involving the possession, sale, manufacture or transportation of intoxicating liquors, drugs or narcotics, or of a crime of moral turpitude with the past ten years? NO  
If so, provide details of the offense and when you were convicted:  
\_\_\_\_\_  
\_\_\_\_\_
  
8. Describe steps which will be taken to prevent the sale of beer to persons under twenty-one (21):  
mandatory responsible serving classes for all servers, bartenders, and managers  
fervent carding all of persons purchasing alcohol

Applicant hereby solemnly swears or affirms the following:

- Every statement in this application is true and correct, and if any statement therein is false, the permit issued thereto may be revoked by the Beer Board, after notice of a hearing, in which event the burden shall be on the applicant to prove the correctness of all statements in the application.
- I am of good moral character and as manager of the business am able to conduct the sale of beer.
- The City has my full authorization and release to obtain all relevant information to investigate and determine my character, qualifications, and suitability for the issuance of a beer permit.
- I have not been convicted of driving under the influence within the past ten (10) years. (Not applicable if manager also possesses a current server permit from the Tennessee Alcoholic Beverage Commission)
- Unlawful gambling and gaming devices will not be allowed in the business.
- Beer will not be sold or served to a person who appears to be intoxicated.
- Beer will not be sold or served to a person under the age of twenty-one (21).
- Persons under the age of twenty-one (21) will not be allowed to consume beer or other alcoholic beverage, nor will they be allowed to loiter on the premises.
- The business will comply with the provisions of Tennessee Code Annotated §57-5-301(e)(1) regarding possession and transportation of beer by persons under the age of twenty-one (21).
- All laws, ordinances, rules, and regulations governing the sale or distribution of beer will be observed and complied with, and all employees will be trained accordingly.
- The business will be conducted in an orderly, peaceable and lawful manner and no loud or obnoxious noises will be allowed.
- No beer or other alcoholic beverages will be sold or consumed on the premises except during lawful hours as set by city ordinance.
- Should I cease to act as manager, this fact shall be reported to the City's Legal Department at 425-3530 within five (5) days.
- The City Manager (through the Oak Ridge Police Department) has full power, including right of entry, to enforce the beer ordinances and to inspect and investigate any reported or alleged violations without the necessity of a search warrant.
- My manager approval may be revoked or suspended, after notice and a hearing by the Board, for any violations of the above statements, for any misinformation or omission contained within this application, for any violation of the Code of Ordinances, Title 8, Chapters 6-8, or for any violations of State law relating to beer, alcohol or crimes of moral turpitude.

I hereby release, absolve and hold harmless the City of Oak Ridge, the Oak Ridge Beer Permit Board, the Oak Ridge Police Department, its employees, agents and representatives from any and all liability of whatever type for any damages, causes of action, personal property injuries which may result as a consequence of my application for a beer permit, background investigation, release of documents or other matters related to my application. I hereby waive all possible liability of the City of Oak Ridge, the Oak Ridge Beer Permit Board, the Oak Ridge Police Department, its employees, agents and representatives as stated above.

This the 23rd day of September, 2013.

[Signature]  
Signature of Applicant

Sworn to and subscribed before me this 23rd day of September, 2013.

My commission expires: 1-27-14



[Signature]  
Notary Public

**SHOW CAUSE HEARING  
MATERIALS – HACIENDA  
DEGOLLADO**

## SHOW CAUSE HEARINGS – GENERALLY

Section 4.D. of the Board's Rules and Procedures govern the procedure for show cause hearings, which shall be conducted as nearly as practicable in accordance with judicial tribunal proceedings.

In the past, the Beer Board has used the following procedure for show cause hearings:

1. The Chairman announces the reason for hearing, specifying the establishment's name and the incident(s) that resulted in the Board voting to hold the show cause hearing.
2. The Chairman swears in all witnesses – "Everyone who may give testimony, please come forward. Raise your right hand. Do you swear or affirm that the testimony you give in this hearing will be the truth, the whole truth and nothing but the truth?"
3. Testimony – The Board may hear testimony from the City and the establishment. Board members may ask questions of the witnesses. This is the establishment's opportunity to show cause as to why the Board should not take any negative action against the establishment's beer permit(s).
4. Discussion – After testimony, the Board discusses whether the establishment has shown cause as to why the Board should not take action against the beer permit. If a member feels the establishment has not shown sufficient reasons for the Board to not take action against the beer permit, then the motion would read as follows:

"I move that [name of establishment] HAS NOT SHOWN adequate cause as to why the Board should not take action against the beer permit."

If a member feels the establishment has shown sufficient cause, then the motion would read the same without the "not" inserted above.

"I move that [name of establishment] HAS SHOWN adequate cause as to why the Board should not take action against the beer permit."

If there is a majority vote that the establishment has not shown sufficient cause for the Board to not take negative action, the next decision for the Board is what action to take against the beer permit(s).

The Board may revoke or suspend a beer permit. A revocation is permanent removal of the beer permit. A suspension is temporary and can be effective for any time period up to eleven months and twenty-nine days. If a suspension is the decision, the Board may also choose to accept a civil penalty in lieu of said suspension (maximum. \$2,500 civil penalty per violation for sales of beer to a minor). An establishment has seven days to pay any civil penalty imposed or the suspension will take effect.

The Board is requested to be specific in your actions and specific as to the grounds for your actions.

A court reporter is provided by the City for all show cause hearings which enables a transcript of the hearing to be available should an establishment appeal the decision of the Board. Please speak clearly for the court reporter and do not speak over each other or witnesses. The court reporter can only be expected to transcribe what is said by one person at a time in order to provide, if needed for court purposes, a complete and accurate verbatim accounting of the hearing.

## SHOW CAUSE HEARING # 2013-06

### Show Cause Hearing # 2013-06

Hacienda DeGollado

212 S. Illinois Avenue

Class "C" Beer permit # 1355, Approved: 2/11/08

Owners: Hacienda DeGollado LLC (Eduardo Ayala, Christian Munoz, Salvador DeLaCerde, Juan Antonio Ayala, and Jesus Ayala)

Manager: Christian Munoz (Approved 2/11/08)

At the September 9, 2013 meeting, the Oak Ridge Beer Permit Board unanimously voted to hold a Show Cause Hearing for Hacienda DeGollado regarding the sale of beer to a minor which occurred on March 18, 2013 as part of a minor compliance check conducted by the Tennessee Alcoholic Beverage Commission. The notice of the Show Cause Hearing was hand-delivered by Sergeant John Kelly, Oak Ridge Police Department, Carlos Munoz on September 17, 2013. A copy of the notice is attached and labeled as Exhibit A (One Page).

Documentation from the TABC is attached and labeled as Exhibit B (Four Pages). The following information is provided based upon TABC documents:

- On March 18, 2013 an employee of Hacienda DeGollado served a minor (19 year old confidential informant) a Miller Light bottled beer.
- The employee did not check the minor's driver's license.
- The sale was in violation of state law (Tennessee Code Annotated §57-4-203(b)(1)(B))
- This is the first violation at Hacienda DeGollado for sale of beer to a minor by the TABC.
- Hacienda DeGollado paid \$1,500.00 to the state for the violation.

TABC Special Agent Derrick Dalton will be present for the hearing to answer any questions of the Board.

Christian Munoz, Manager of Hacienda DeGollado, delivered a written response for the Beer Board. It is attached and labeled as Exhibit C (One Page).

By City Code §8-712(1)(a), the Board has authority to revoke or suspend the beer permit for the sale of beer to a minor or to offer the imposition of a civil penalty (not to exceed \$2,500.00) in lieu of suspension. By City Code §8-712(3), if a civil penalty is imposed in lieu of suspension, the permittee has seven days to pay the civil penalty before the suspension shall be imposed and, if paid, the suspension is deemed withdrawn.

By City Code §8-712(9), prior suspensions and other disciplinary actions taken by the Board against a permittee may be considered by the Board for a determination of disciplinary action in any show cause hearing. A review of the beer permit file revealed no prior suspensions or disciplinary actions against Hacienda DeGollado for the Board to consider.

A decision of the Board to either suspend or revoke must be posted at the main entrance to the establishment and remain posted for the duration of the suspension or revocation.

CITY OF  
OAK RIDGE



ON BEHALF OF THE OAK  
RIDGE BEER PERMIT BOARD

**HAND-DELIVERED BY ORPD** POST OFFICE BOX 1 OAK RIDGE, TENNESSEE 37831-0001

September 13, 2013

Christian Munoz, Owner/Manager  
Hacienda DeGollado  
212 S. Illinois Avenue  
Oak Ridge, Tennessee 37830

Re: Show Cause Hearing #2013-06 – October 14, 2013 – Notice to Appear

Mr. Munoz,

On September 9, 2013, the Oak Ridge Beer Permit Board unanimously voted to hold a Show Cause Hearing for Hacienda DeGollado in response to communication the Board received from the Tennessee Alcoholic Beverage Commission (TABC) regarding a sale of beer to a minor (under the age of twenty-one) in violation of Tennessee Code Annotated §57-4-203(b)(1)(B) occurring on March 18, 2013. According to the TABC, the employee who served beer to the minor was Abel Bonales.

The Show Cause Hearing has been set for **Monday, October 14, 2013**, immediately following the regular meeting of the Board which begins at 12:00 noon. The meeting and the show cause hearing will both take place in the Training Room (Room 104) of the City's Municipal Building located at 200 S. Tulane Avenue. By City Code §8-712(1)(a), the Board has authority to revoke or suspend the beer permit for the sale of beer to a minor or impose a civil penalty up to \$2,500.00 in lieu of suspension.

The show cause hearing will be the business's opportunity to explain to the Board why negative action should not be taken against the beer permit. Owners and/or managers should attend. If the business wishes to do so, please provide me with a written response to the hearing no later than October 7, 2013 for inclusion in the Board's agenda packet. This response can be any information the business would like for the Board to know regarding the incident resulting the show cause hearing, any steps you have taken to prevent such incidents in the future, etc.

The business has the right to be represented by legal counsel at the hearing. If you have any questions regarding the show cause hearing process, please feel free to call my office at (865) 425-3530, however, this office cannot offer any legal advice or representation regarding the show cause hearing.

Sincerely,

Tammy M. Dunn  
Senior Staff Attorney/Staff Liaison to the Board

Delivered to: Hacienda DeGollado

Left the original with: CARLOS MUNOZ

Oak Ridge Police Department

17 SEPTEMBER 2013

Date

STATE OF TENNESSEE  
ALCOHOLIC BEVERAGE COMMISSION  
CITATION

CC# 313998 4098  
Alcoholic Beverage Commission  
Office 31603003

To: Hacienda Degollado  
212 South Illinois Ave  
Oak Ridge, TN 37830

Receipt #: 09963065  
PAID: 5/14/2013  
Batch #: 484736  
Trans #12 \$1,500.00  
AB71 L&D Fines \$1,500.00  
Check \$1,500.00

THANK YOU FOR YOUR PAYMENT

Permit # 18072

RI 13-0318

TABC Report Date: 3-20-13

This establishment is in violation of the following statutes and/or rules governing the sale of alcoholic beverages by licensees: Sale of beer and/or malt beverages to a minor is a violation of TCA §57-4-203(b)(1)(B)

This violation(s) may be resolved by indicating the option you intend to exercise by circling either A or B below. Then sign this document and return it to the TABC at our Nashville address.

A. HEARING: If you do not agree with the violation(s) against you or wish to contest them, you may request a hearing to the TABC at the address stated below. At such a hearing, you may be represented by counsel, cross-examine witnesses, present your own proof and have the right to judicial review.

B. AGREEMENT: If you do not wish to contest the violation(s), you may agree to settle by accepting these particular terms: \$ 1500.00 Fine.

This offer will remain open for twenty (20) calendar days from the date noted below. By agreeing to settle this matter as set forth in paragraph B above, you are waiving your right to a hearing. When the TABC receives payment in full and this original citation signed by authorized agent of licensee, this TABC will consider this matter administratively closed. Existing criminal charges pending as a result of the same factual scenario which resulted in this citation are not affected by this agreement.

However, failure to respond within the aforementioned twenty (20) days by (1) requesting a hearing; (2) paying the fine in full; or (3) contacting this office to discuss the merits of the citation, will result in the matter being set for a hearing which could result in a default judgment and additional administrative costs. You or your attorney may wish to discuss the charge(s) with appropriate TABC staff. You may do so by calling the Nashville Office at (615) 741-1602. Mail payments or correspondence to:

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION  
226 CAPITOL BLVD., SUITE 300  
NASHVILLE, TN 37243-0755

\_\_\_\_\_  
Authorized Agent of Licensee (Date)

APR 26 2013  
*S. Kent Bell*  
TABC Authorized Signature (Date)

**TENNESSEE ALCOHOLIC BEVERAGE COMMISSION**  
**LIQUOR BY THE DRINK/PRIVATE CLUB**  
**REPORT OF VIOLATION**

DATE: 3/20/2013

RI:13-0318

TO: Mark Hutchens - CLEO

FROM: Derrick Dalton- SA

**BUSINESS NAME:** Hacienda Degollado  
**ADDRESS:** 212 South Illinois Avenue  
**CITY/ZIP:** Oak Ridge, 37830  
**LICENSE NO.:** 18072  
**EXPIRATION DATE:** April 17, 2013  
**MANAGER/CLERK: (ON DUTY):** Abel Bonales

**STATE LAWS:**

- Warning Signs at Retail Establishments (Pregnancy Sign) TCA 57-1-211
- Restaurant Requirements (Seating Days of Operation) 57-4-102(29)(A)
- Expiration of Licenses TCA 57-4-201 [Ref: TCA 57-3-213]
- Exterior Signs TCA 57-4-203(a)
- Sales To Minors Prohibited TCA 57-4-203(b)(1)(A){Liquor}
- Sales To Minors Prohibited TCA 57-4-203(b)(1)(B){Beer}
- Selling to Intoxicated Customer TCA 57-4-203(c)
- Hours of Sale TCA 57-4-203(d)
- Restrictions on Sealed or Unsealed Packages, or Gifts TCA 57-4-203(e)
- Ownership of Alcoholic Beverages Sold TCA 57-4-203 (g)
- Server Permit Violation TCA 57-4-203(h)
- Prohibited Sexual or Pornographic Conduct TCA 57-4-204
- Buying Liquor From Non-Wholesaler TCA 57-3-404(b)
- Possession Gambling Device(s) TCA 39-17-505(a)
- Health Inspection Displayed TCA 68-14-317(d)
- Delinquent in Filing and/or Paying LBD Taxes Three (3) Times During Licensed Year TCA 57-4-304(b)(1)
- Collection of Taxes, Bond of Licensee TCA 57-4-302 (3)(A)
- Other:

**RULES & REGULATIONS:**

**Liquor By the Drink:**

- Advertising 0100-1-.01
- Business Management Restricted 0100-1-.03(1)
- Consumption on Licensed Premises 0100-1-.03(2)
- Free Access to Licensed Premises 0100-1-.03(3)
- Refusal of Cooperation 0100-1-.03(4)
- Licensees Not to Combine 0100-1-.03(5)
- Sanitary And Fire Standards 0100-1-.03(7)
- On-Premises Sale By Bottle Restricted 0100-1-.03(8)
- On-Premises Employees' Activities Restricted 0100-1-.03(9)
- Restriction As To Age of Dispensing Employees 0100-1-.03(10)
- Dual Interests Prohibited 0100-1-.03(11)
- License Surrender if Business Discontinued 0100-1-.03(13)
- Prohibited Practices 0100-1-.03(14)
- Happy Hour Restrictions 0100-1-.03(15)
- Business Name Change 0100-1-.03(16)
- Display of License 0100-1-.03(17)
- Seating 0100-01.03(19)
- Limitation on Credit Sales 0100-6-.04
- Other:

**Private Club:**

- Change of Manager 0100-1-.05(4)
- Membership Application Procedures 0100-1-.05(7)(a)
- Complete Membership Roster 0100-1-.05(8)(a)
- Dispensing to Non-Members 0100-1-.05(8)(c)
- Membership (100 Members) 0100-1-.05 (8)(f)
- Use of DBA Name 0100-1-.05 (8)(g)

**Caterer:**

- Catering License 0100-01-.06(1)
- Server's Permit Card 0100-01-.06(2)
- LBD Where Such Sales Authorized 0100-01-.06(3)
- Alcohol without Food 0100-01-.06(4)
- Notice of Catered Event 0100-01-.06(5)
- Alcohol Transportation 0100-01-.06(7)

**Special Occasion Permits:**

- Two Week Notice 0100-01-.07(2)

**NARRATIVE** (Should include all pertinent facts and details relating to violation for which cited): **SEE ATTACHED NARRATIVE**

**Hacienda Degollado**  
212 South Illinois Avenue  
Oak Ridge, TN 37830  
Permit #: 18072

RI13-0318

**Sales to Minors Prohibited TCA 57-4-203 (b)(1)(B) (Beer):** On March 18, 2013, Special Agents Derrick Dalton and Wade Hurst with the Tennessee Alcoholic Beverage and an underage confidential informant (I13-0004C) conducted a minor compliance check at Hacienda Degollado in Oak Ridge, Tennessee.

At approximately 7:45 PM on March 18, 2013, a confidential informant (I13-0004C) who is nineteen (19) years of age, date of birth 07/06/1993, entered Hacienda Degollado while monitored by SA Derrick Dalton. Upon entry to Hacienda Degollado, Abel Bonales did not check confidential informant's identification and served the underage informant a Miller Lite bottled beer. Abel Bonales was issued a citation by SA Dalton and is scheduled to appear at the General Sessions Court of Anderson County on March 25, 2013, at 9:00 AM to be arraigned on aforementioned charge.

TCA 57-4-203 (b)(1) (B) states that any licensee engaging in business regulated hereunder or any employee thereof who sells, furnishes, disposes of, gives, or causes to be sold, furnished, disposed of, or given any beer or malt beverage as defined in TCA 57-6-102 to any person under twenty-one (21) years of age is guilty of a Class A Misdemeanor.

**See Attached:**

No Previous Violations  
Tennessee Uniform Citation  
Pictures of Underage Confidential Informant - I13-0004C  
Case Time and Expense Report

PLAINT - AFFIDAVIT  DOS  PD  SO  OTHER AGENCY **TABC** I.D. NO. **0191800**

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH, DEPOSES:

NAME (FIRST) **Abel** (MIDDLE) (LAST) **Ascencio-Bañales** DATE OF BIRTH **07-06-1993** RACE **H** SEX **M**

ADDRESS **[REDACTED]** TN RESIDENT?  YES  NO SEAT BELT?  YES  NO

CITY **[REDACTED]** STATE **[REDACTED]** ZIP CODE **[REDACTED]** SOCIAL SECURITY NUMBER **[REDACTED]**

DRIVER LICENSE NUMBER **[REDACTED]** CLASS/TYPE LICENSE **[REDACTED]** STATE **[REDACTED]** EXPIRATION DATE MO. **[REDACTED]** DAY **[REDACTED]** YR **[REDACTED]** TELEPHONE NUMBER **[REDACTED]**

OWNED  LEASED NAME **[REDACTED]** ADDRESS **[REDACTED]**  MC  CMV  HAZ  CARRIER  ACCIDENT MAT

DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE:

MAKE **[REDACTED]** MODEL **[REDACTED]** YEAR **[REDACTED]** COLOR **[REDACTED]** LICENSE PLATE NUMBER **[REDACTED]** STATE **[REDACTED]** YEAR **[REDACTED]**

UPON STREET/HIGHWAY **[REDACTED]** S.R. # **[REDACTED]** TRAVEL DIR.  N  S  E  W M.M. # **[REDACTED]** CITY/COUNTY **[REDACTED]** HIGHWAY TYPE  2-L  3-L  4-L  DIV  I-RO AREA  BUSINESS  SCHOOL  RES.  RURAL

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

01  SPEEDING \_\_\_\_\_ MPH IN \_\_\_\_\_ SPEED LIMIT  ZONE  PACING  RADAR  OTHER 591  OVERWEIGHT AXLE

02  RECKLESS DRIVING 20  DUI BAC \_\_\_\_\_ 103  REGISTRATION LAW

03  TRAFFIC CONTROL DEVICE 22  REV/SUS/CAN DL 393  CHILD RESTRAINT

OTHER: \_\_\_\_\_

T.C.A. **57-4-207** ORDINANCE: **S.L. to A Minor**

On March 18, 2013 at approximately 7:25 pm the Tennessee Alcoholic Beverage Commission conducted a minor compliance operation at Hacienda Desolilado 212 South Illinois Avenue Oak Ridge, TN 37830. The Detenant Abel Ascencio Bañales served a miller lite bottle from a confidential informant. The minor's identification was not checked by the detenant. The informant's State of Tennessee driver's license showed that her date of birth was (07-06-1993) age (19) The above incident occurred in Anderson County, TN **[REDACTED]**

THE UNDERSIGNED FURTHER STATES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH, CONTRARY TO LAW.

THIS **18** DAY OF **March** 20 **13** TIME **7:45**  AM  PM **Special Agent Donald D. Hill** **374**

RANK OFFICER NAME (PRINT) BADGE/ID NO.



IN THE **1**  GENERAL SESSIONS COURT OF **Anderson** COUNTY NO. **[REDACTED]** IN THE CITY OF **Oak Ridge** NO. **[REDACTED]**

IN THE **2**  JUVENILE COURT COURT ON **Mon** THE **25** DAY OF **March** 20 **13** TIME **9**  AM  PM

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED BY THIS CITATION OR AT THE APPROPRIATE POLICE STATION FOR BOOKING AND PROCESSING WILL RESULT IN YOUR ARREST FOR A SEPARATE CRIMINAL OFFENSE WHICH IS PUNISHABLE BY A JAIL SENTENCE OF ELEVEN (11) MONTHS AND TWENTY-NINE (29) DAYS AND/OR A FINE OF UP TO ONE THOUSAND FIVE HUNDRED DOLLARS (\$2,500).

UNDERSTAND THE ABOVE NOTICE, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

Page 4 of 4 VIOLATOR'S SIGNATURE **Abel Ascencio Bañales**

10/04/2013

To whom it may concern.

By hereby take the opportunity to make known to the beer board of oak ridge tn. that Hacienda Degollado mexican restaurant is a Mexican business primarily aimed at families, so that the incident occurred on March 18 this year concerns us and concerns us because in the nearly six years running for rigde oak families is the first incident of this type in which Hacienda Degollado is involved and which in the first instance and in compliance with the provisions of the TABC dating we went to court and paid fines that were imposed on us, but not only that, as one family business owners and managers of the company took matters into intensifying the supervision of their employees and applying a hardening of its internal policies to prevent sales to minors which we do not repeat because as a responsible company with the families in our community know the importance of not selling alcohol to minors, as well as the rest of the TABC codes and laws so the manager went to renew Christian Muñoz its course topshield by the TABC.

Which has been replicated by the Hacienda Degollado employees, while policy corroborate the age of customers using a photo ID has been continually reinforced throughout the Hacienda Degollado staff and the continuous monitoring of our manager Christian Muñoz in matters relating to codes and laws of the TABC.

No more for now I say goodbye and thank you in advance for the attention given to the present.

**HACIENDA DEGOLLADO**

A handwritten signature in black ink, appearing to read 'Christian Muñoz', is written over a horizontal line.

**CHRISTIAN MUNOZ**

**MANAGER**

**SHOW CAUSE HEARING  
MATERIALS – MOOSE LODGE**

## SHOW CAUSE HEARING # 2013-07

### **Show Cause Hearing # 2013-07**

**Oak Ridge Moose Lodge #1316**

**103 N. Jefferson Avenue**

**Class "D" Beer permit # 984, Approved: 4/11/88**

**Owners: Membership Based**

**Manager: James M. Leitnaker, Jr. (Approved 1/9/12)**

At the September 9, 2013 meeting, the Oak Ridge Beer Permit Board unanimously voted to hold a Show Cause Hearing for the Moose Lodge regarding the sale of beer to a minor which occurred on March 18, 2013 as part of a minor compliance check conducted by the Tennessee Alcoholic Beverage Commission. The notice of the Show Cause Hearing was hand-delivered by Sergeant John Kelly, Oak Ridge Police Department, James Leitnaker on September 17, 2013. A copy of the notice is attached and labeled as Exhibit A (One Page).

Documentation from the TABC is attached and labeled as Exhibit B (Four Pages). The following information is provided based upon TABC documents:

- On March 18, 2013 an employee of the Moose Lodge served a minor (19 year old confidential informant) a Bud Light bottled beer.
- The employee did not check the minor's driver's license.
- The sale was in violation of state law (Tennessee Code Annotated §57-4-203(b)(1)(B))
- This is the first violation at the Moose Lodge for sale of beer to a minor by the TABC.
- The Moose Lodge paid \$2,000.00 to the state for the violation.

TABC Special Agent Derrick Dalton will be present for the hearing to answer any questions of the Board.

By City Code §8-712(1)(a), the Board has authority to revoke or suspend the beer permit for the sale of beer to a minor or to offer the imposition of a civil penalty (not to exceed \$2,500.00) in lieu of suspension. By City Code §8-712(3), if a civil penalty is imposed in lieu of suspension, the permittee has seven days to pay the civil penalty before the suspension shall be imposed and, if paid, the suspension is deemed withdrawn.

By City Code §8-712(9), prior suspensions and other disciplinary actions taken by the Board against a permittee may be considered by the Board for a determination of disciplinary action in any show cause hearing. A review of the beer permit file revealed no prior suspensions or disciplinary actions against the Moose Lodge for the Board to consider.

A decision of the Board to either suspend or revoke must be posted at the main entrance to the establishment and remain posted for the duration of the suspension or revocation.

CITY OF  
OAK RIDGE



ON BEHALF OF THE OAK  
RIDGE BEER PERMIT BOARD

POST OFFICE BOX 1 • OAK RIDGE, TENNESSEE 37831-0001

**HAND-DELIVERED BY ORPD**

September 13, 2013

James Leitnaker, Jr., Manager  
Oak Ridge Moose Lodge #1316  
103 N. Jefferson Avenue  
Oak Ridge, Tennessee 37830

Re: Show Cause Hearing #2013-07 – October 14, 2013 – Notice to Appear

Mr. Leitnaker,

On September 9, 2013, the Oak Ridge Beer Permit Board unanimously voted to hold a Show Cause Hearing for the Moose Lodge in response to communication the Board received from the Tennessee Alcoholic Beverage Commission (TABC) regarding a sale of beer to a minor (under the age of twenty-one) in violation of Tennessee Code Annotated §57-4-203(b)(1)(B) occurring on March 18, 2013. According to the TABC, the employee who served beer to the minor was Aaron Marsh.

The Show Cause Hearing has been set for **Monday, October 14, 2013**, immediately following the regular meeting of the Board which begins at 12:00 noon. The meeting and the show cause hearing will both take place in the Training Room (Room 104) of the City's Municipal Building located at 200 S. Tulane Avenue. By City Code §8-712(1)(a), the Board has authority to revoke or suspend the beer permit for the sale of beer to a minor or impose a civil penalty up to \$2,500.00 in lieu of suspension.

The show cause hearing will be the business's opportunity to explain to the Board why negative action should not be taken against the beer permit. Owners and/or managers should attend. If the business wishes to do so, please provide me with a written response to the hearing no later than October 7, 2013 for inclusion in the Board's agenda packet. This response can be any information the business would like for the Board to know regarding the incident resulting the show cause hearing, any steps you have taken to prevent such incidents in the future, etc.

The business has the right to be represented by legal counsel at the hearing. If you have any questions regarding the show cause hearing process, please feel free to call my office at (865) 425-3530, however, this office cannot offer any legal advice or representation regarding the show cause hearing.

Sincerely,

Tammy M. Dunn  
Senior Staff Attorney/Staff Liaison to the Board

Delivered to: Oak Ridge Moose Lodge #1316

Left the original with: \_\_\_\_\_

Oak Ridge Police Department

17 SEPTEMBER 2013

Date

STATE OF TENNESSEE  
ALCOHOLIC BEVERAGE COMMISSION  
CITATION

Paid 5/9/13  
#09929988  
\$2000.00  
Nashville

To: Moose Lodge #1316  
103 N. Jefferson Circle  
Oak Ridge, TN 37831

FYI

Permit # 99400

RI 13-0313

TABC Report Date: 3-19-13

This establishment is in violation of the following statutes and/or rules governing the sale of alcoholic beverages by licensees:

1. Sale of beer and/or malt beverages to a minor is a violation of TCA §57-4-203(b)(1)(B)
2. Failure to restrict bar to a private area of club and serving non-members in violation of TABC Rule #0100-1-05(8)(c)

This violation(s) may be resolved by indicating the option you intend to exercise by circling either A or B below. Then sign this document and return it to the TABC at our Nashville address.

A. HEARING: If you do not agree with the violation(s) against you or wish to contest them, you may request a hearing to the TABC at the address stated below. At such a hearing, you may be represented by counsel, cross-examine witnesses, present your own proof and have the right to judicial review.

B. AGREEMENT: If you do not wish to contest the violation(s), you may agree to settle by accepting these particular terms: \$ 2000.00 Fine.

This offer will remain open for twenty (20) calendar days from the date noted below. By agreeing to settle this matter as set forth in paragraph B above, you are waiving your right to a hearing. When the TABC receives payment in full and this original citation signed by authorized agent of licensee, this TABC will consider this matter administratively closed. Existing criminal charges pending as a result of the same factual scenario which resulted in this citation are not affected by this agreement.

However, failure to respond within the aforementioned twenty (20) days by (1) requesting a hearing; (2) paying the fine in full; or (3) contacting this office to discuss the merits of the citation, will result in the matter being set for a hearing which could result in a default judgment and additional administrative costs. You or your attorney may wish to discuss the charge(s) with appropriate TABC staff. You may do so by calling the Nashville Office at (615) 741-1602. Mail payments or correspondence to:

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION  
226 CAPITOL BLVD., SUITE 300  
NASHVILLE, TN 37243-0755

\_\_\_\_\_  
Authorized Agent of Licensee (Date)

  
TABC Authorized Signature (Date)

APR 26 2013

**TENNESSEE ALCOHOLIC BEVERAGE COMMISSION**  
**LIQUOR BY THE DRINK/PRIVATE CLUB**  
**REPORT OF VIOLATION**

DATE: 3/19/13

RI:13-0313

TO: Mark Hutchens - CLEO

FROM: Derrick Dalton - SA

BUSINESS NAME: Moose Lodge #1316 - Oak Ridge  
ADDRESS: 103 N. Jefferson Circle  
CITY/ZIP: Oak Ridge, TN 37831  
LICENSE NO.: 99400  
EXPIRATION DATE: November 20, 2013  
MANAGER/CLERK: (ON DUTY): Aaron Marsh

**STATE LAWS:**

- Warning Signs at Retail Establishments (Pregnancy Sign) TCA 57-1-211
- Restaurant Requirements (Seating Days of Operation) 57-4-102(29)(A)
- Expiration of Licenses TCA 57-4-201 [Ref: TCA 57-3-213]
- Exterior Signs TCA 57-4-203(a)
- Sales To Minors Prohibited TCA 57-4-203(b)(1)(A){Liquor}
- Sales To Minors Prohibited TCA 57-4-203(b)(1)(B){Beer}
- Selling to Intoxicated Customer TCA 57-4-203(c)
- Hours of Sale TCA 57-4-203(d)
- Restrictions on Sealed or Unsealed Packages, or Gifts TCA 57-4-203(e)
- Ownership of Alcoholic Beverages Sold TCA 57-4-203 (g)
- Server Permit Violation TCA 57-4-203(h)
- Prohibited Sexual or Pornographic Conduct TCA 57-4-204
- Buying Liquor From Non-Wholesaler TCA 57-3-404(b)
- Possession Gambling Device(s) TCA 39-17-505(a)
- Health Inspection Displayed TCA 68-14-317(d)
- Delinquent in Filing and/or Paying LBD Taxes Three (3) Times During Licensed Year TCA 57-4-304(b)(1)
- Collection of Taxes, Bond of Licensee TCA 57-4-302 (3)(A)
- Other:

**RULES & REGULATIONS:**

**Liquor By the Drink:**

- Advertising 0100-1-.01
- Business Management Restricted 0100-1-.03(1)
- Consumption on Licensed Premises 0100-1-.03(2)
- Free Access to Licensed Premises 0100-1-.03(3)
- Refusal of Cooperation 0100-1-.03(4)
- Licensees Not to Combine 0100-1-.03(5)
- Sanitary And Fire Standards 0100-1-.03(7)
- On-Premises Sale By Bottle Restricted 0100-1-.03(8)
- On-Premises Employees' Activities Restricted 0100-1-.03(9)
- Restriction As To Age of Dispensing Employees 0100-1-.03(10)
- Dual Interests Prohibited 0100-1-.03(11)
- License Surrender if Business Discontinued 0100-1-.03(13)
- Prohibited Practices 0100-1-.03(14)
- Happy Hour Restrictions 0100-1-.03(15)
- Business Name Change 0100-1-.03(16)
- Display of License 0100-1-.03(17)
- Seating 0100-01.03(19)
- Limitation on Credit Sales 0100-6-.04
- Other:

**Private Club:**

- Change of Manager 0100-1-.05(4)
- Membership Application Procedures 0100-1-.05(7)(a)
- Complete Membership Roster 0100-1-.05(8)(a)
- Dispensing to Non-Members 0100-1-.05(8)(c)
- Membership (100 Members) 0100-1-.05 (8)(f)
- Use of DBA Name 0100-1-.05 (8)(g)

**Caterer:**

- Catering License 0100-01-.06(1)
- Server's Permit Card 0100-01-.06(2)
- LBD Where Such Sales Authorized 0100-01-.06(3)
- Alcohol without Food 0100-01-.06(4)
- Notice of Catered Event 0100-01-.06(5)
- Alcohol Transportation 0100-01-.06(7)

**Special Occasion Permits:**

- Two Week Notice 0100-01-.07(2)

NARRATIVE (Should include all pertinent facts and details relating to violation for which cited): SEE ATTACHED NARRATIVE

*DP 3/21/13*

**Moose Lodge #1316 – Oak Ridge**

103 N. Jefferson Circle

Oak Ridge, TN 37831

Permit #: 99400

RI13-0313 (CI13-0045)

**Sales to Minors Prohibited TCA 57-4-203 (b)(1)(B) (Beer):** On March 18, 2013 Special Agents Derrick Dalton, and Wade Hurst with the Tennessee Alcoholic Beverage Commission and an underage informant (I13-0004C), conducted a minor compliance check at Moose Lodge #1316 in Oak Ridge, TN.

At approximately 9:50 PM on March 18, 2013 a confidential informant (I13-0004C) who is nineteen (19) years of age, date of birth 07/06/1993, entered Moose Lodge #1316 while monitored by SA Derrick Dalton. Upon entry to the business the confidential informant ordered a beer from employee Aaron A Marsh. Aaron A Marsh **did not** check confidential informant's identification and sold the underage informant a Bud Light bottle beer. Aaron A Marsh was issued a citation by myself SA Derrick Dalton and is scheduled to appear at the Anderson County General Sessions Court Division II on March 25, 2013 at 9:00 AM to be arraigned on aforementioned charge.

TCA 57-4-203 (b)(1) (B) states that any licensee engaging in business regulated hereunder or any employee thereof who sells, furnishes, disposes of, gives, or causes to be sold, furnished, disposed of, or given any beer or malt beverage as defined in TCA 57-6-102 to any person under twenty-one (21)years of age if guilty of a Class A Misdemeanor.

**Dispensing to Non-Members 0100-1-.05(8)(c)**

Also on March 18, 2013 at approximately 9:50 PM, confidential informant (I13-0004C) while being monitored by SA Derrick Dalton entered into Moose Lodge #1316 - Oak Ridge. Upon entry into the establishment the confidential informant (I13-0004C) and SA Derrick Dalton were asked by employee Aaron A Marsh if we were members of the club. We stated we were not and we did not know anyone in the club. We then were approached by patron Sammy Jo Silvey. Mr. Silvey explained the process of the club and ask if we wanted him to sign us in as guest to the club. We agreed and were signed in as guest of Mr. Silvey, and subsequently served and sold two Bud Light bottle beers.

Because Moose Lodge #1316 – Oak Ridge allowed the dispensing of alcoholic beverages to non members or un-bona fide guest there are in violation of Rule 0100-1-.05(8)(c) which states; No private club shall dispense alcoholic beverages on the premises of the club to any person other than a bona fide member of the club or a bona fide guest of a member of the club.

**See Attached:**

Tennessee Uniform Citation

Pictures of Underage Confidential Informant - I13-0004C

Case Time & Expense Report

Previous Violations

COURT DATE

COMPLAINT - AFFIDAVIT

DOS  PD  SO  OTHER

AGENCY TABC

I.D. NO. 0191800

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

NAME (FIRST) Aaron (MIDDLE) APJVEL (LAST) Mead

DATE OF BIRTH MO DAY YR W M RACE SEX

ADDRESS [REDACTED] TN RESIDENT?  YES  NO SEAT BELT?  YES  NO

CITY [REDACTED] STATE TN ZIP CODE [REDACTED] SOCIAL SECURITY [REDACTED]

DRIVER LICENSE NUMBER [REDACTED] CLASS/TYPE LICENSE D STATE TN EXPIRATION DATE MO DAY YR [REDACTED] TELEPHONE NUMBER [REDACTED]

OWNED  LEASED  CARRIER NAME ADDRESS  MC  CMV  HAZ  ACCIDENT  MAT

DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE:

MAKE MODEL YEAR COLOR LICENSE PLATE NUMBER STATE YEAR

UPON STREET/HIGHWAY S.R. # TRAVEL DIR. M.M. # CITY/COUNTY HIGHWAY TYPE  2-L  3-L  4-L  DIV.  1-RD AREA  BUSINESS  SCHOOL  RES  RURAL

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

01  SPEEDING \_\_\_\_\_ MPH IN \_\_\_\_\_ SPEED LIMIT  ZONE  PACING  RADAR  OTHER 591  OVERWEIGHT AXLE

02  RECKLESS DRIVING 20  DUI BAC \_\_\_\_\_ 103  REGISTRATION LAW

03  TRAFFIC CONTROL DEVICE 22  REV/SUS/CAN DL 393  CHILD RESTRAINT

OTHER:

T.C.A. 57-4-203 ORDINANCE: SLK to A Minor

On March 18, 2013 at approx 9:50pm the Tennessee Adult Probation Commission conducted a minor compliance operation at Meade Lodge 1316 103 N Jefferson Circle C.H. Ridge TN 37820. The Defendant sold to a confidential informant a Bud light Bottle-Beer. The minor was not checked by the informant. The informant SLK of Tennessee classes license showed that her date of birth was 07-06-1993 age 19. The license record is in Anderson County.

[REDACTED] signed in by Scammy J. Silver

THE UNDERSIGNED FURTHER STATES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH, CONTRARY TO LAW.

THIS 18 DAY OF March 2013 TIME 10:03  AM  PM Special Agent Derek R. Veltz 3211 RANK OFFICER NAME (PRINT) BADGE/ID NO.

DO NOT WRITE IN SHADED AREA

COURT IN THE 1  GENERAL SESSIONS COURT OF Anderson NO. [ ] IN THE CITY OF Clarksville NO. [ ]

2  JUVENILE COURT COUNTY Ma ON THE 25 DAY OF March 2013 TIME 9  AM  PM

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED BY THIS CITATION OR AT THE APPROPRIATE POLICE STATION FOR BOOKING AND PROCESSING WILL RESULT IN YOUR ARREST FOR A SEPARATE CRIMINAL OFFENSE WHICH IS PUNISHABLE BY A JAIL SENTENCE OF ELEVEN (11) MONTHS AND TWENTY-NINE (29) DAYS AND/OR A FINE OF UP TO TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500).

UNDERSTAND THE ABOVE NOTICE, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT. LICON Mead

**NEW/OLD BUSINESS  
MATERIALS – PROPOSED  
LANGUAGE FOR ORDINANCE  
AMENDMENT**

**LEGAL DEPARTMENT MEMORANDUM**  
**13-38**

DATE: October 1, 2013

TO: Chairman and Members of the Oak Ridge Beer Permit Board

FROM: Tammy M. Dunn, Senior Staff Attorney / Beer Board Staff Liaison

SUBJECT: REQUESTED INFORMATION FOR POSSIBLE ORDINANCE AMENDMENT: TRAINING REQUIREMENTS

At the September 9, 2013 Beer Board meeting, the Board discussed amending the training requirements for beer permit holders. At this meeting, the Board requested language be presented to the Board at the next meeting which would adopt training requirements similar to that of Anderson County with two exceptions: (1) require the training to occur every three years, and (2) eliminate the requirement that the Board approve the training course.

**Anderson County Resolution 12-433**

Attached for the Board's review is Anderson County Resolution No. 12-433 which adopted a training requirement for employees of beer permitted establishments in Anderson County (outside of the city limits of Oak Ridge, Clinton, Oliver Springs, Lake City, and Norris). This resolution established the following requirements:

- Beer permit holders shall not allow employees to sell or serve beer unless that employee has attended and completed a program of alcoholic beverage sale or server instruction approved by the Anderson County Beer Board and certificated by the Tennessee Alcoholic Beverage Commission.
- No employees of a beer permit holder shall be allowed to sell or serve beer unless that person has attended and completed a program of alcoholic beverage sale or server instruction approved by the Anderson County Beer Board and certificated by the Tennessee Alcoholic Beverage Commission.
  - Existing employees have six (6) months to obtain proper certification.
  - New employees have thirty (30) days to obtain proper certification.
  - Employees with valid TABC certification or license are exempt from the requirements of the resolution.
- An extension of up to six (6) months may be granted by the Anderson County Beer Board upon application and for good cause shown by an existing beer permit holder for full compliance.

- The Anderson County Beer Board may issue show cause orders to any beer permit holder or employee to command their presence and answer charges before the board upon information and belief that a violation of this resolution occurred. Upon a finding of guilty, proven by clear and convincing evidence, the board may suspend a beer permit for up to ten (10) days or impose a monetary fine up to fifty dollars (\$50.00) per occurrence and/or require the employee to successfully repeat the program.
- Documentation of compliance with the resolution shall be maintained on the premises of the beer permit holder and shall be available for inspection by proper authorities at all times beer is being served or sold.

The resolution was incorporated by reference into the Anderson County Beer Board's Rules and Regulations. The resolution required notification to existing beer permit holders by mail and new applicants at the time of application.

### **Oak Ridge Current Requirements**

Current code provisions require all employees participating in the sale or distribution of beer to be "trained" in the City's beer ordinances, but no formal training program requirements are in place. Current language is as follows:

*City Code § 8-709. Training of employees.*

The permittee is responsible for explaining to and ensuring comprehension of the laws set forth in chapters 6, 7, and 8 of this title to all of their employees that participate in the sale or distribution of beer. (Ord. #3-01, June 2001)

This provision can be amended upon recommendation of the Board and approval by City Council.

### **Beer Board's Request; Statutory Authority**

The Board requested language similar to Anderson County's requirements with two exceptions: (1) require the training to occur every three years, and (2) eliminate the requirement that the Board approve the training course. It is the opinion of the Legal Department that such a requirement is within the City's authority under Tennessee Code Annotated §57-5-106(a), which was previously discussed in Legal Department Memorandum 13-33.

Tennessee Code Annotated §57-5-106(a) authorizes a city to enact ordinances that establish additional restrictions and rules and regulations on beer permittees that promote public health, morals and safety with one limitation. The limitation is that a city cannot impose training or certification restrictions/requirements on employees with a server permit issued by the Tennessee Alcoholic Beverage Commission. The Board's request is in line with this limitation as the Board requested language similar to Anderson County's training requirements which include an exemption for such employees.

### Proposed Language for Consideration

As requested, language is provided to amend the City Code to establish training requirements similar to Anderson County's requirements with the two exceptions. It is recommended that existing City Code §8-709 be deleted in its entirety and replaced with the following:

City Code § 8-709. *Successful Completion of Instruction Program Required.*

- (1) Requirements. The permittee shall not allow any employee to sell or serve beer unless the employee has attended and successfully completed an alcoholic beverage sale or server instruction program approved by the Tennessee Alcoholic Beverage Commission within the past three (3) years. Further, no employee of a permittee shall sell or serve beer unless the employee has attended and successfully completed an alcoholic beverage sale or server instruction program approved by the Tennessee Alcoholic Beverage Commission within the past three (3) years.
- (2) Timeframe for Completion. Existing employees of a permittee have six (6) months from *[insert the effective date of this ordinance]* to obtain proper certification. New employees of a permittee have thirty (30) days from the date of hire to obtain proper certification. After initial certification, employees must maintain certification at all times while selling or serving beer.
- (3) Extension. Upon application and good cause shown, the Board may grant an extension up to an additional six (6) months for an existing permittee to achieve full compliance.
- (4) Proof of Compliance. Documentation demonstrating compliance with the terms of this section shall be maintained on the premises and shall be available for inspection by the City at all times beer is being served or sold.
- (5) Exemption. Employees holding a valid Tennessee Alcoholic Beverage Commission certification or license are exempt from the terms of this section.

Anderson County's resolution contains language giving their beer board the ability to hold a show cause hearing for violation of the resolution and to impose a suspension up to ten days for the violation or in the alternative to impose a monetary fine up to fifty dollars (\$50.00) per occurrence and/or require the employee to successfully repeat the training program. The proposed language above does not contain any such language. City Code §8-712 already permits the Board to hold a show cause hearing to revoke or suspend any permit or issue a civil penalty in lieu of suspension for any violation of the ordinances pertaining to beer. Adding the language contained in Anderson County's resolution would limit what the Board is permitted to do under City Code §8-712.

As for the ability to impose a monetary fine, the Board has authority to impose a civil penalty up to \$1,000.00 in lieu of suspension for this type of violation. City Court has authority to impose a fine up to fifty dollars (\$50.00) plus court costs should a permittee and/or employee be cited for the ordinance violation in City Court.

The proposed language is very similar to Anderson County's language as requested. Please note this language does not address Ms. Scott's prior request to impose a training requirement on beer permit holders prior to the issuance of a beer permit. There was some discussion in the last two meetings about how such a requirement could be an burden on certain permittees.

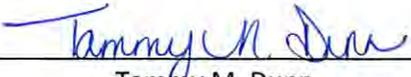
The proposed language only requires employees – not owners – to be trained. A compromise may be reached between the two viewpoints if Ms. Scott's concern is for on-site owners to be similarly prior to selling and serving beer. If that is Ms. Scott's concern, the following language could be added to the proposed training language:

Permittees. A permittee is similarly required to attend and successfully complete an alcoholic beverage sale or server instruction program approved by the Tennessee Alcoholic Beverage Commission within the past three (3) years prior to selling or serving beer. An existing permittee has \_\_\_\_\_ (timeframe) \_\_\_\_\_ to obtain proper certification. New permittees have \_\_\_\_\_ (timeframe) \_\_\_\_\_ to obtain proper certification.

#### Next Steps

An amendment to the training requirement provision in the beer ordinance will require approval by City Council. If an amendment to the training requirement is recommended by the Board, the change will be presented to City Council at an upcoming Council meeting along with the amendment recommended at the last meeting to require permittees to notify the Board when the permittee receives a citation from the Tennessee Alcoholic Beverage Commission (new provision City Code 58-608).

If the Board has further recommendations to City Council on beer ordinance amendments, all recommendations can be taken together at one Council meeting for consideration and approval.

  
\_\_\_\_\_  
Tammy M. Dunn

Attachment: Anderson County Resolution 12-433

**Anderson County, Tennessee**  
**Board of Commissioners**

**RESOLUTION NO. 12-433**

**A RESOLUTION REQUIRING MINIMUM MANDATORY TRAINING REQUIREMENTS FOR EMPLOYEES OF BEER PERMIT HOLDERS.**

**WHEREAS**, in order to protect the health, safety and welfare of Anderson County citizens, the Anderson County Beer Board desires to adopt minimum mandatory training requirements for all employees of beer permit holders; and

**WHEREAS**, *Tennessee Code Annotated, Section 57-5-105 (j)* provides that:

A county legislative body may impose training or certification restrictions or requirements on employees of a permit holder, but such restrictions or requirements shall not apply to any employee who is possessed of a server permit issued by the alcoholic beverage commission pursuant to chapter 3, part 7 of this title.

**WHEREAS**, the Beer Board passed this resolution by unanimous vote on March 13, 2012, and strongly encourages the Board of Commissioners approve this measure for the safety of all citizens.

**NOW THEREFORE, BE IT RESOLVED** by the Anderson County Board of Commissioners meeting in regular session this 19<sup>th</sup> day of March 2012 that:

**Section 1:** No person holding a permit or license to sell beer in the county, outside the municipal limits of Oak Ridge, Clinton, Oliver Springs, Lake City and Norris shall allow any employee to sell or serve beer unless that employee has attended and completed a program of alcoholic beverage sale or server instruction approved by the Anderson County Beer Board and certified by the Tennessee Alcoholic Beverage Commission.

**Section 2:** No employee of a person holding a beer permit or license to sell beer in the county, outside the municipal limits Oak Ridge, Clinton, Oliver Springs, Lake City and Norris shall be allowed to sell or serve beer unless that person has attended and completed a program of alcoholic sale or server instruction approved by the Anderson County Beer Board and certified by the Tennessee Alcoholic Beverage Commission.

- A) Existing employees of permit holders will have six (6) months from the date of passage of this resolution to obtain proper certification.
- B) New employees of permit holders will have thirty (30) days to obtain proper certification from the date of hire.
- C) Employees holding a valid Tennessee Alcoholic Beverage Commission certification or license shall be exempt from the terms of this resolution.

**Section 3:** An extension waiving compliance with this resolution may be granted by the Anderson County Beer Board upon proper application and good cause shown by an existing permit holder for up to an additional six (6) months in order to achieve full compliance.

**Section 4:** The Anderson County Beer Board may issue Show Cause Orders to any permit holders or employees to command their presence and answer charges before the Board upon information and belief received that a violation of this resolution has occurred.

**Section 5:** Upon a finding of guilt, proven by clear and convincing evidence, the Beer Board may suspend a beer permit for up to ten (10) days, or in the alternative impose a monetary fine of up to fifty (\$50.00) dollars per occurrence and/or require the employee to successfully repeat the program of alcoholic beverage sale or server instruction approved by the Anderson County Beer Board and certified by the Tennessee Alcoholic Beverage Commission.

**Section 6:** Documentation demonstrating compliance with the terms of this resolution shall be maintained on premises and shall be available for inspection by proper authorities at all times beer is being served or sold.

**Section 7:** The Anderson County Clerk shall cause a copy of this resolution to be mailed to all beer permit holders within thirty (30) days of passage and all new applicants shall be provided a copy of this resolution at the time of application.

**Section 8:** The terms of this resolution are hereby incorporated by reference in the Anderson County Beer Board Rules and Regulations.

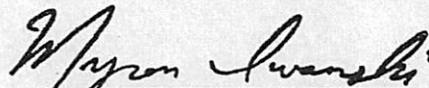
**Section 9:** If any provision of this resolution shall be invalidated by a court of law the remaining sections shall remain valid, effective and enforceable.

**Section 10:** This resolution shall take effect immediately. The public welfare requiring it.

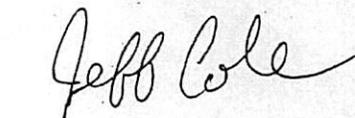
**DULY RESOLVED, PASSED AND APPROVED** this 19<sup>th</sup> day of March 2012.

  
Chuck Fritts, County Commission Chair



  
Myron Iwanski, County Mayor

ATTEST:

  
Jeff Cole, County Clerk

**NEW/OLD BUSINESS  
MATERIALS – ANDERSON  
COUNTY UNDERAGE DRINKING  
TASK FORCE**

City/County		Licensing Fees	Hours Off Premise	Hours On Premise	1st offense suspension/fines	2nd offense suspension/fines	3rd Offense	Responsible Vendor	Carding requirement
<b>Oak Ridge</b>		<b>\$250/\$100 privilege</b>	6 am-3 am All days	7 am - 3 am Sunday 10 am 3 am	Up to \$2500 or 10 day suspension		No differentiation for number of offenses	Yes	NO
<b>Norris</b>		<b>\$250/\$100 privilege</b>	8 AM to 3 AM Mon-Thurs 12:00 PM to 3 AM	5 PM-10 pm Mon-Sat No sales on Sunday	Suspension or revocation Fines \$1500 sales to minor \$1000 all other offenses		No differentiation for number of offenses	No	NO
<b>Oliver Springs</b>		<b>\$250/\$100 privilege</b>	6 am-3 am Monday-Sat. 12 noon-3 AM Sundays	6 am-3 am Monday-Sat. 12 noon-3 AM Sundays	Suspension or revocation Fines \$1500 sales to minor \$1000 all other offenses		No differentiation for number of offenses	No	NO
<b>Lake City</b>	X	<b>\$250/\$100 privilege</b>	6 am-1 am Mon-Sat. Noon to 1AM on Sunday	8 am-3 am Mon-Sat. No sales on Sunday	Suspension or revocation Fines \$1500 sales to minor \$1000 all other offenses		No differentiation for number of offenses		
<b>Anderson Co.</b>		<b>\$250/\$100 privilege</b>	6 am-2 am Mon-Sat. 12 PM-2AM Sundays	6 am-2 am Mon-Sat. 12 PM-2AM Sundays	Written or verbal reprimands or fines \$250-\$1500	10 day suspension or fines \$500-\$1500	Permanent revocation of permit	No	NO
<b>Clinton</b>		<b>\$250/\$100 privilege</b>	8 am-3 am Mon-Sat. 12 PM-3 AM Sundays	8 am-3 am Mon-Sat. 12 PM-3 AM Sundays	Suspension or revocation Fines \$1000-\$1500	Suspension or revocation Fines \$1000-\$1500	No differentiation for number of offenses	No	YES