

**OAK RIDGE BEER PERMIT BOARD  
REGULAR MEETING**

Municipal Building Courtroom  
Tuesday, October 7, 2014  
6:00 p.m.

AGENDA

1. ATTENDANCE

2. APPROVAL OF MINUTES

August 11, 2014 Regular Meeting  
August 28, 2014 Special Meeting – Show Cause Hearings  
September 16, 2014 Special Meeting – 5:30 p.m.  
September 16, 2014 Special Meeting – Show Cause Hearings  
October 2, 2014 Special Meeting – Show Cause Hearings

NOTE: October 2, 2014 meeting had not occurred at time of agenda preparation and distribution; but minutes will be submitted to the Board for consideration as soon as possible

3. APPLICATIONS FOR NEW BEER PERMITS AND ASSOCIATED MANAGER APPROVAL APPLICATIONS

Application #1506  
Jefferson Terminal Bar  
Gerald Lynn Britt, Owner/Manager  
102 Jefferson Terminal Road  
Class C Permit

Application #1507  
Ridge Runner's Bar & Grill  
Pamela Dean Bunch, Owner/Manager  
102 Jefferson Terminal Road  
Class C Permit

4. NEW MANAGER APPROVAL APPLICATIONS – None

5. SHOW CAUSE HEARINGS

Show Cause Hearing # 2014-07  
New China Palace  
123 Central Avenue  
Class "C" Permit #1475, Approved 4/8/13  
Owner/Manager: Cheng Ping Ren

Per reports from the Tennessee Alcoholic Beverage Commission (TABC), an employee of the establishment (Chen Xinna) sold beer to a minor (under twenty-one years of age) on June 9, 2014 and did not check the minor's ID prior to the sale. Selling beer to a minor is a violation of City Code and is grounds for action to be taken by the Oak Ridge Beer Permit Board against the beer permit and/or manager permit. (See City Code §8-801(1), §8-712(1)(a) and §8-713(1)).

Show Cause Hearing # 2014-08

Outback Steakhouse #4326

402 S. Illinois Avenue

Class "C" Permit #1427, Approved 5-9-11

Owner: Outback Steakhouse of Florida, LLC

Manager: Christopher Lynn Borden, Approved 2/10/14

Per reports from the Tennessee Alcoholic Beverage Commission (TABC), an employee of the establishment (Lakan Cornett) sold beer to a minor (under twenty-one years of age) on June 9, 2014 after checking the minor's ID prior to the sale. Selling beer to a minor is a violation of City Code and is grounds for action to be taken by the Oak Ridge Beer Permit Board against the beer permit and/or manager permit. (See City Code §8-801(1), §8-712(1)(a) and §8-713(1)).

Show Cause Hearing # 2014-09

Riverside Grill

100 Melton Lake Peninsula

Class "C" Permit #1454, Approved 5/14/12

Owners: Richard Chinn Jr. and Ryan Chinn

Manager: Eric Hux, Approved 5/14/12

Per reports from the Tennessee Alcoholic Beverage Commission (TABC), an employee of the establishment (Breanna Robinson) sold beer to a minor (under twenty-one years of age) on June 9, 2014 and did not check the minor's ID prior to the sale. Selling beer to a minor is a violation of City Code and is grounds for action to be taken by the Oak Ridge Beer Permit Board against the beer permit and/or manager permit. (See City Code §8-801(1), §8-712(1)(a) and §8-713(1)).

6. NEW / OLD BUSINESS

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

B. Possible Change of Meeting Dates/Times

This item has been placed on the agenda at the request of a Board member. Per Section 2.A. of the Board's Rules and Procedures, the regular meetings are scheduled for the second Monday of each month at 12:00 in the Municipal Building. Any permanent change to the meeting date, time and/or facility location will require an amendment to the Rules and Procedures which will also require the approval of City Council before taking effect.

7. ADJOURNMENT

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

Municipal Building Training Room – Room 104  
Monday, August 11, 2014  
12:00 noon

PRESENT: Chairman Randy Tedford, Secretary Bailey, Colin Colverson, Darren Osborne, Theresa Scott, Debra Solmonson, and Wendy Williams

ABSENT: None

ALSO PRESENT: Tammy Dunn, Senior Staff Attorney / Staff Liaison to Board  
Matt Tedford, Lieutenant Oak Ridge Police Department

AUDIENCE MEMBERS: Michael Foster, Allies for Substance Abuse Prevention  
Steven Phillips, Vice-Chair of the Anderson County Beer Board

**ROLL CALL/ATTENDANCE**

Chairman Tedford called the meeting to order at 12:00 noon. All members were present.

**APPROVAL OF MINUTES**

Secretary Bailey moved, seconded by Ms. Scott, to approve the minutes of the July 14, 2014 regular meeting and the motion carried 5-0 with Mr. Colverson and Chairman Tedford abstaining from the vote due to their absence from that meeting.

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

Application #1505  
Red Lobster Restaurants LLC  
dba Red Lobster #0702  
359 S. Illinois Avenue  
Class C Permit

Ms. Jeanie Cox, manager, was present to discuss the beer permit application due to a change in ownership for Red Lobster. The Board commended Red Lobster on the information provided with the beer permit application. Having no issues with this establishment and no questions, Mr. Colverson moved, seconded by Secretary Bailey, to approve the beer permit and the motion carried unanimously.

**NEW MANAGER APPROVAL APPLICATIONS**

None

## **NEW / OLD BUSINESS**

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

#### Ian's Market #32, 12 Arkansas Avenue

Lt. Matt Tedford, Oak Ridge Police Department, reported on a recent incident at Ian's Market #32. Lt. Tedford reported a driver was arrested on July 30, 2014 at approximately 2:43 pm for intoxication due to a call that originated from a citizen. During the traffic stop, the officer observed the driver had in his possession an unopened 12-pack of beer. In response to the officer's question, the driver stated he purchased the beer immediately prior to the traffic stop from Ian's Market on Arkansas Avenue. The driver described the cashier to the officer. The officer went to Ian's Market #32 and, through conversations with staff, the officer determined the cashier was Akbar Abdul Rahman. The Board noted Mr. Rahman is the board-approved manager for this establishment.

Per Lt. Tedford, the officer is trained in field sobriety and stated in the arrest report that any reasonable person could assume the driver was intoxicated at the time of the purchase of beer at Ian's Market. The driver was arrested for DUI and has a pending court case in General Sessions Court.

Ms. Scott moved, seconded by Chairman Tedford, to hold a show cause hearing for Ian's Market for selling beer to an intoxicated patron. The motion carried 6-0 with Mr. Colverson abstaining from the vote.

#### Puerto Cancun

Mr. Osborne inquired about recent activity at Puerto Cancun and Lt. Tedford stated he had no knowledge of any activity at this location.

### B. Pending Show Cause Hearings

With the item discussed above under Section A, the Board now has eight (8) pending show cause hearings. For clarity, the pending cases are listed below in alphabetical order along with the date of the meeting when the show cause was originally voted upon:

- Aubrey's – DUI and Public Intoxication Arrests (Two Separate Incidents) – See Minutes of April 14, 2014 Meeting
- Back to Brewski's – DUI Arrest – See Minutes of April 14, 2014 Meeting
- Ian's Market #32 – Sale of Beer to Intoxicated Patron – See Minutes of August 11, 2014 Meeting
- Lincoln's Sports Grille – Sale of Beer/Alcohol to a Minor (Did Check Minor's ID) – See Minutes of July 14, 2014 Meeting
- Moose Lodge – Sale of Beer/Alcohol to a Minor (Did Check Minor's ID) – See Minutes of July 14, 2014 Meeting
- New China Palace – Sale of Beer/Alcohol to a Minor (Did not Check Minor's ID) – See Minutes of July 14, 2014 Meeting

- Outback Steakhouse – Sale of Beer/Alcohol to a Minor (Did Check Minor's ID) – See Minutes of July 14, 2014 Meeting
- Riverside Grille – Sale of Beer/Alcohol to a Minor (Did not Check Minor's ID) – See Minutes of July 14, 2014 Meeting

After some discussion, the Board decided to schedule show cause hearings for some of the businesses, with the remaining show cause hearings to be discussed at the September meeting and a date set for those hearings at that time. The Board discussed the logistics of the hearings, decided to hold them at 6pm in the evening and in the Courtroom. Availability of officers/witnesses, room location, and court reporters, as well as timing for legal notices and notification to the business owners was discussed.

Mr. Colverson moved, seconded by Chairman Tedford, to schedule show cause hearings for Aubrey's, Back to Brewski's, and Ian's Market #32 at the best available time (on the same date) with a preference for scheduling it on Tuesday, September 16, 2014 at 6pm in the Courtroom, and the motion carried unanimously.

Secretary Bailey moved, seconded by Ms. Scott, to schedule show cause hearings for Moose and Lincoln's at the best available time (on the same date) with a preference for scheduling it on Thursday, August 28, 2014 at 6pm in the Courtroom, and the motion carried unanimously.

C. Miscellaneous

1. The Board rescheduled the October meeting due to the Columbus Day holiday from October 13, 2014 to October 6, 2014 upon motion of Chairman Tedford seconded by Mr. Colverson. The motion passed 6-1, with Mr. Osborne voting against.
2. Michael Foster, ASAP, gave handouts to the Board regarding statistics on sales of beer to minors in the area. Upon motion of Chairman Tedford, seconded by Secretary Bailey, the Board decided to discuss this item at the October meeting. The motion carried unanimously.
3. Stephen Phillips, Vice-Chair of Anderson County Beer Board, and Mr. Foster briefly mentioned a resolution recently developed by the Underage Task Force that was passed by Anderson County Commission. Mr. Foster stated he would send a signed copy to Ms. Dunn for the Board's consideration.
4. Ms. Solmonson reported to the Board she would be absent from the September 8, 2014 meeting.
5. Mr. Osborne reported to the Board he would be absent from the October 6, 2014 meeting.

**ADJOURNMENT**

The meeting adjourned at 12:50 p.m. upon unanimous approval after motion by Secretary Bailey seconded by Mr. Colverson.

Respectfully submitted,

Barton Bailey, Secretary

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

Municipal Building Courtroom  
Thursday, August 28, 2014  
6:00 p.m.

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

ABSENT: Colin Colverson

ALSO PRESENT: Tammy Dunn, Senior Staff Attorney / Staff Liaison to Board  
Alan Massengill, Deputy Chief of Police

AUDIENCE MEMBERS: Michael Foster, Allies for Substance Abuse Prevention  
Bob Fowler, Knoxville News Sentinel; John Huotari, Oak Ridge Today; Sara Wise, The Oak Ridger; Nang Crossno, Back 2 Brewski's; and other unknown attendees

TRANSCRIPTIONIST: Joan Roberts

**ROLL CALL/ATTENDANCE**

Chairman Tedford called the meeting to order at 5:59 p.m. All members were present except Colin Colverson who notified the Legal Department of his expected absence.

**SHOW CAUSE HEARINGS**

**Show Cause Hearing # 2014-04**

Oak Ridge Moose Lodge #1316 (Loyal Order of the Moose)  
103 N. Jefferson Avenue  
Class "D" Permit #984, Approved 4/11/1988  
Owners: Membership Based  
Manager: Carl Kelly Smith (4/14/14)

Chairman Tedford called the Show Cause Hearing to order and swore in the following witnesses: Carl Smith, Manager of the Moose Lodge; Randy Wishinsky, Member of the Moose Lodge; and Derrick Dalton, Special Agent for the Tennessee Alcoholic Beverage Commission.

At the Chairman's request, Special Agent Dalton gave a brief synopsis of the Tennessee Alcoholic Beverage Commission's (TABC) recent minor compliance check conducted in Oak Ridge. Special Agent Dalton testified as follows: The Moose Lodge sold an alcoholic beverage to the TABC's minor purchaser—a 19 year old female—after checking the minor's valid ID. A citation was issued. This is the second violation for sale to a minor by the Moose Lodge. An agreed order with the TABC was signed by the Moose Lodge resulting in a 15-day suspension of the liquor license. The suspension was in effect July 13-27, 2014.

The Moose Lodge responded by testimony of Mr. Wishinsky and Mr. Smith. Mr. Wishinsky stressed the history of the Moose Lodge and their community service. Mr. Wishinsky also questioned how the bartender could have missed the "red stripe" on the driver's license, but asked for leniency and stated it would not happen again.

Special Agent Dalton testified the minor showed her valid driver's license, which is a requirement by state law. Further, Special Agent Dalton testified the driver's license shows a red box around the photograph and the side of the license indicates upon what date the minor will turn 21.

Mr. Smith testified new procedures were put into place by the Moose Lodge after this incident. Mr. Smith gave the Board a printed original of the procedures, which have been signed by the bartenders. At that time, the document was made an exhibit (Exhibit 1) to the transcript and the Board's agenda packet information for Moose Lodge was made an exhibit (Exhibit 2) as well.

Mr. Smith stated the business has had no problems with the police, they participate in community events, and will take patrons home if they've had too much to drink. Mr. Smith stated mistakes do happen and they are just trying to keep their doors open. Mr. Smith also stated the employee was given 90 days probation and suspended for 2 weeks.

The Board stated this was the second offense for sale to a minor in two years; however, this offense was under a new manager.

Ms. Solmonson moved, seconded by Secretary Bailey, that the Moose Lodge had shown sufficient cause as to why the Board should not take action against the beer permit. The motion carried 5-1 with Mr. Osborne voting against.

Chairman Tedford stated he expected their efforts to continue and he appreciated that the establishment was prompt in making changes. Chairman Tedford closed this hearing at 6:15 p.m. and the Board took a five minute break.

#### **Show Cause Hearing # 2014-05**

Lincoln's Sports Grille

119 S. Illinois Avenue

Class "C" Permit #1406, Approved 8/9/10

Class "B" Permit #1439, Approved 11/14/11 (for catering only)

Owners: Edward Green, Lendon Aaron Hart, Mike Lincoln, and Vander J. Murray

Manager: Victoria Renee Ballard (7/14/14)

Chairman Tedford called the Show Cause Hearing to order and swore in the following witnesses: Roy McKinnon, Consultant for Lincoln's; Victoria Ballard, Manager of Lincoln's; and Derrick Dalton, Special Agent for the Tennessee Alcoholic Beverage Commission.

At the Chairman's request, Special Agent Dalton gave a brief synopsis of the TABC's recent minor compliance check conducted in Oak Ridge. Special Agent Dalton testified as follows: Lincoln's sold beer to the TABC's minor purchaser—a 19 year old female—after checking the minor's valid ID. A citation was issued. This is the second violation for sale to a minor by Lincoln's. The matter is still pending before the TABC.

Mr. McKinnon testified that the sale occurred at shift change on a busy night. Mr. McKinnon stated that a discussion of checking IDs took place that night with employees at shift change. Mr. McKinnon stated the employee was ABC certified and this was human error. Mr. McKinnon addressed changes Lincoln's had previously taken to change such as securing the entrances, addressing the patio issues, and nightly entertainment changes.

Ms. Williams stated the changes do not seem to have the desired result. Mr. McKinnon disagreed. Ms. Scott inquired the time of shift change (Mr. McKinnon responded 4:30 p.m.) and the time of the sale (Special Agent Dalton responded 5:29 p.m.). Ms. Scott expressed her concern that the manager on duty at the time of the sale was not present for the hearing.

Chairman Tedford inquired if the manager on duty is responsible for overseeing all beer sales. Mr. McKinnon stated that would be unreasonable due to the high volume of alcohol sales that take place daily, which he estimated between \$3,900–\$4,200. Mr. McKinnon stated it is the manager's responsibility to monitor the floor.

Ms. Williams asked what Lincoln's had done since this incident. Mr. McKinnon responded the staff had "flipped," that Lincoln's passed their recent TABC audit with all servers being certified, and Lincoln's did not have a flippant attitude toward alcohol sales.

Ms. Solmonson inquired whether disturbances had decreased. After being sworn in, Deputy Chief Massengill responded he had no records of recent disturbances. Chairman Tedford noted this incident occurred a few hours after the Board had issued a two week suspension that was to take effect later that same evening. Mr. McKinnon responded that the employee failed in her process of properly checking an ID. Ms. Solmonson asked if the show cause (two-week suspension) was discussed with employees. Ms. Ballard stated it was discussed that night, however, it was discussed the next morning with all employees.

Mr. Osborne inquired about the status of the employee. Mr. McKinnon stated she was given an immediate 96 hour suspension. Mr. McKinnon stated she was not terminated, but she chose to resign about 7 -10 days after the incident.

Ms. Williams asked why the matter was still pending with the TABC. Mr. McKinnon stated the business offered a voluntary 15-day suspension but that conversation was still pending with Nashville. Special Agent Dalton stated that was correct and the TABC wanted to come to Lincoln's to see what changes had taken place.

Ms. Scott explained some members of the public were fed up with the situation at Lincoln's and had contacted her about it. Ms. Scott stated Lincoln's always seemed to have an excuse when brought before the Board for a show cause hearing. Ms. Scott noted Lincoln's had been before the Board for five show cause hearings in the last 16 months, and twice for underage sales.

Secretary Bailey asked Lincoln's whether they would have voluntarily suspended their beer permit along with a liquor license suspension. Mr. McKinnon stated it would finish Lincoln's if both were suspended simultaneously.

Ms. Williams moved, seconded by Ms. Scott and Ms. Solmonson, that—taking into consideration Lincoln's overall history—Lincoln's had not shown sufficient cause as to why the Board should not take action against the beer permit. The motion carried unanimously.

Chairman Tedford stressed public safety and that underage consumption goes hand-in-hand with other problems. Chairman Tedford stated no other business could survive five show cause hearings and he does not know how Lincoln's could resolve this issue to his satisfaction.

Chairman Tedford moved, seconded by Ms. Solmonson, to revoke the beer permits for Lincoln's and the motion carried 4-2, with Secretary Bailey and Ms. Osborne voting against.

Chairman Tedford stated revocation is effective immediately and all beer must be shielded from public view. Chairman Tedford stated the revocation is valid for the business for one year. Further, no beer permit may be issued at this location for a period of one year.

**ADJOURNMENT**

The meeting adjourned at 6:52 p.m. at the conclusion of the last show cause hearing

Respectfully submitted,

Barton Bailey, Secretary

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

Municipal Building Courtroom  
Tuesday, September 16, 2014  
5:30 p.m.

PRESENT: Chairman Randy Tedford, Secretary Bailey, Colin Colverson, Darren Osborne, Theresa Scott, Debra Solmonson, and Wendy Williams

ABSENT: None

ALSO PRESENT: Tammy Dunn, Senior Staff Attorney / Staff Liaison to Board  
Alan Massengill, Deputy Chief of Police

**ROLL CALL/ATTENDANCE**

Chairman Tedford called the meeting to order at 5:40 p.m. All members were present.

**PENDING SHOW CAUSE HEARING – SET DATES/TIMES**

At the regular meeting on July 14, 2014, the Oak Ridge Beer Permit Board voted to hold show cause hearings for all five (5) Oak Ridge businesses that sold beer/alcohol to an underage patron during the Tennessee Alcoholic Beverage Commission's minor compliance check that took place in June 2014. Three (3) show cause hearings remain pending (Outback, Riverside, and New China Palace).

The Board discussed two potential dates/times for the three pending show cause hearings. An original motion was made by Secretary Bailey and seconded by Mr. Colverson to reschedule the October regular meeting—with the show cause hearings immediately following—for Monday October 6, 2014 at 6:00 p.m. in the Courtroom. This motion was later withdrawn.

Chairman Tedford moved, second by Ms. Scott, to reschedule the October regular meeting—with the show cause hearings immediately following—for Tuesday October 7, 2014 at 6:00 p.m. in the Courtroom and the motion carried unanimously. Mr. Colverson stated he may or may not be able to attend.

Secretary Bailey moved, second by Ms. Scott, to set an alternate date if Tuesday October 7, 2014 did not work out for scheduling. The motion was made to set an alternate date of Monday October 6, 2014 at 6:00 p.m. in the Courtroom and the motion carried 6-0, with Mr. Osborne abstaining. Mr. Osborne stated he would not be available on the alternate date.

Ms. Dunn stated she would notify the Board as soon as a date has been confirmed.

**LINCOLN'S SPORTS GRILLE – PETITION FOR WRIT OF CERTIORARI, REQUEST FOR A STAY OF THE REVOCATION**

On August 28, 2014, the Board revoked the beer permits for Lincoln's Sports Grille's. On September 2, 2014, Lincoln's filed with the Chancery Court of Anderson County a Petition for Writ of Certiorari, as permitted by state law, requesting a trial de novo (new trial). As part of this Petition, Lincoln's filed a request for a stay of the revocation until such time as the Court will hear the case and render a decision.

Lincoln's, through attorney Kevin Angel, has requested the City's consent to an Agreed Order staying the revocation until such time as the new hearing takes place and a decision is rendered. The Board considered a list of thirteen conditions Lincoln's was willing to follow as part of an Agreed Order to stay the revocation.

Secretary Bailey commented this was the type of list he would have preferred to have been submitted months ago prior to the show cause hearing.

Mr. Colverson commented he thought it was in the Board's best interests to pursue the request for an Agreed Order as it shows the Board is willing to come to a workable solution.

The Board discussed a few of the conditions individually for explanation of the reasoning behind it and/or clarification. Ms. Williams inquired as to the timing for implementation of the conditions.

Secretary Bailey moved, seconded by Ms. Solmonson, to agree to the thirteen conditions as part of an Agreed Order to stay the revocation pending a new trial in court on the appeal and the motion carried 5-to-2, with Chairman Tedford and Ms. Williams voting against.

#### **ADJOURNMENT**

The meeting adjourned at 6:00 p.m.

Respectfully submitted,

Barton Bailey, Secretary

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

Municipal Building Courtroom  
Tuesday, September 16, 2014  
6:00 p.m.

PRESENT: Chairman Randy Tedford, Secretary Bailey, Colin Colverson, Darren Osborne, Theresa Scott, Debra Solmonson, and Wendy Williams

ABSENT: None

ALSO PRESENT: Tammy Dunn, Senior Staff Attorney / Staff Liaison to Board  
Alan Massengill, Deputy Chief of Police

AUDIENCE MEMBERS: Michael Foster, Allies for Substance Abuse Prevention  
Bob Fowler, Knoxville News Sentinel; John Huotari, Oak Ridge Today; Russell Langley, The Oak Ridger; and other attendees

TRANSCRIPTIONIST: Joan Roberts

**ROLL CALL/ATTENDANCE**

Chairman Tedford called the meeting to order at 6:00 p.m. All members were present.

**SHOW CAUSE HEARINGS**

**Show Cause Hearing # 2014-06**

Ian's Market #32  
12 Arkansas Avenue  
Class "B" Permit #1464, Approved 10/8/12  
Owner: Abdul Rahman Shakoor Jamal  
Manager: Akbar Abdul Rahman (10/8/12)

Chairman Tedford called the Show Cause Hearing to order and swore in the following witnesses: Akbar Abdul Rahman, Manager of Ian's Market #32.

Chairman Tedford asked Mr. Rahman if he was challenging the information provided by the Oak Ridge Police Department to the Board regarding the sale of beer to an intoxicated patron. Mr. Rahman stated he was not.

Chairman Tedford read into the record the information provided by the Oak Ridge Police Department to the Board regarding the sale of beer to an intoxicated patron as set forth in the Board's agenda packet. Briefly, the record reflects Mr. Rahman sold beer to an intoxicated patron on July 30, 2014 just prior to 2:20 p.m.

Mr. Rahman read into the record his statement given to the Board, which is part of the Board's agenda packet. Briefly, Mr. Rahman stated he has put into place further preventive measures.

The Board discussed with Deputy Chief Massengill and Officer Higgins some specifics about the traffic stop. Chairman Tedford swore in both witnesses prior to any testimony.

The Board discussed with Mr. Rahman what further preventive measures he has taken to prevent this from occurring in the future. Mr. Rahman stated they will be more careful when checking for intoxication by increasing their interaction with patrons, by talking with patrons more to better assess their condition, and they will not sell beer if they see a reason not to do so.

Deputy Chief Massengill was asked if there were any other issues at this establishment and he stated he was not aware of any.

The Board also discussed the training for employees at the establishment. Additionally, the Board discussed a concern that the witness who called the police saw the patron stumbling across the parking lot of the establishment, but noted that a witness in the parking lot would have a different viewpoint than the manager inside the establishment.

Ms. Scott moved that the establishment had not shown cause as to why the Board should not take any negative action. This motion died for lack of a second.

Mr. Colverson moved, seconded by Ms. Solmonson, that the establishment had shown cause as to why the Board should not take any negative action and the motion carried by a vote of 6-to-1, with Ms. Scott voting against.

This show cause hearing was closed at 6:21 p.m.

**Show Cause Hearing # 2014-02**

Aubrey's Inc.  
481 S. Illinois Avenue  
Class "C" Permit #1463 Approved 10/8/12  
Owner: Aubrey Burleson  
Managers: Aubrey Burleson and Kathryn Jenkins (3/10/14)

Chairman Tedford called the Show Cause Hearing to order and swore in the following witnesses: Aubrey Burleson, Tony Hughlet, Kathryn Jenkins, Danielle Farmer, Justin Green, and Mark Liggett. Aubrey's was represented by legal counsel George Buxton.

Chairman Tedford noted Aubrey's has agreed to stipulate to the information provided by the Oak Ridge Police Department to the Board regarding the separate incidents of DUI and public intoxication by employees of Aubrey's and Mr. Buxton stated they did agree to stipulate that the information is what the officers were told, but that they disagreed that the information provided by the arrested persons was accurate.

Chairman Tedford read into the record the information provided by the Oak Ridge Police Department to the Board regarding the sale of beer to an intoxicated patron as set forth in the Board's agenda packet. Briefly, the record reflects an employee was arrested for DUI at approximately 2:12 a.m. and admitted to the officer she had a beer at Aubrey's, and another employee was arrested for public intoxication at approximately 11:40 p.m. and admitted to drinking at Aubrey's after he got off work.

Mr. Buxton entered into the record two affidavits of Mr. Liggett regarding the incidents. Mr. Liggett explained how their system worked to better understand the printouts attached to the affidavits.

Mr. Burleson explained when the employee (who was arrested for DUI) ended her shift and consumed beer. He noted there is a gap of two hours from the time she left the premises of Aubrey's until she was arrested. He also noted the beer bottles found in her vehicle are not sold by Aubrey's. He also noted this employee had been a good ambassador for the other employees regarding proper identification of patrons to ensure underage sales do not occur. He stated though that the employee did not return to work shortly after this incident and was terminated for failing to come to work.

Ms. Farmer explained the interaction with the employee charged with public intoxication. She stated he had one drink that evening but did not seem to be acting himself after he returned from smoking a cigarette so his beer was taken from him and he was offered a ride home. She stated he did not seem intoxicated (no slurred speech) but was meaner. She stated he refused the ride home and walked off. Mr. Buxton stated this employee's shift ended at 3:30, not 11:30 as he told the officer. Mr. Burleson stated the employee had some drinks when his shift ended, left, and came back later that evening. He stated the employee did not return to work shortly after this incident and was terminated for failing to come to work.

Mr. Burleson stated he is aware of some establishments that will not let their employees consume beer/alcohol as patrons. He stated he is of the opposite opinion and allows it because they can keep a good watch on them, know their demeanors, and will always offer them rides home if needed.

Mr. Burleson noted bartenders and servers are in a difficult position. They are unaware of what patrons have done prior to entering the premises, such as other drinks or taking pills. All servers are ABC certified and interact with guests to determine their condition. He stated it is a tough job and a manager is always on duty to assist. He also noted they have instituted mystery shoppers to make sure employees are properly ID'ing patrons and has had three employees fail, who were then given a weekend suspension to think about the ID policy. He stated Aubrey's is about 15-20% alcohol sales, and that he has other businesses that are higher, but that he can only remember one other incident of an employee being charged with DUI in his 20 years of experience.

Ms. Williams pointed out that Aubrey's passed the minor compliance check conducted by the ABC in June 2014.

Secretary Bailey moved, seconded by Ms. Scott, that the establishment had shown cause as to why the Board should not take any negative action and the motion carried unanimously. [Note – practically all, if not all, members seconded this motion as well.]

This show cause hearing was closed at 6:45 p.m. and a ten minute break was taken by the Board.

### **Show Cause Hearing # 2014-03**

Back to Brewski's  
144 Randolph Road  
Class "C" Permit #1457 Approved 7/9/12  
Owner: Nang Crossno  
Managers: Nang Crossno and Wanda Reagan (7/9/12)

Chairman Tedford called the Show Cause Hearing to order and swore in the following witnesses: Nang Crossno, Wanda Reagan, Dondie Jai, Deputy Chief Massengill, and Officer Wallace.

Chairman Tedford asked Mr. Crossno if he was challenging the information provided by the Oak Ridge Police Department to the Board regarding the sale of beer to an intoxicated patron. Mr. Crossno stated he was not.

Chairman Tedford read into the record the information provided by the Oak Ridge Police Department to the Board regarding the sale of beer to an intoxicated patron as set forth in the Board's agenda packet. Briefly, the record reflects a patron of Brewski's was arrested for DUI (.13 BAC) after leaving the premises.

Chairman Tedford stated he has seen many different levels of intoxication during his 42 years in law enforcement. He also noted the patron in this case has not yet entered a plea and the case has not been adjudicated. He stated he was impressed with a particular part of Mr. Crossno's written response to the Board and asked him to explain it.

Mr. Crossno stated it is not easy to always determine how a patron will react to a drink since it is unknown what the patron had done prior to arriving, and that alcohol affects people differently based on size, weight, food, and other factors. He stated he personally interviewed the patron about his activities that evening. Mr. Crossno stated their training has shown signs of intoxication show up later, but that the establishment does converse with patrons to determine their demeanor. He also stated there is a person at the door to ensure patrons are at least 21 to enter and the person at the door also makes a determination of the patron's demeanor. They walk around the establishment to check on patrons, but they never know a patron's history or if the person took any pills that would affect them. Mr. Crossno stated the patron is a regular and that he has not had any problems with him.

The Board has a discussion regarding blood alcohol levels and how quickly/slowly a person's BAC returns to zero.

Mr. Crossno informed the Board he has recently agreed to host ABC server classes with Pouncey Partners every other week beginning October 4th, which will allow his employees to obtain refresher courses.

Deputy Chief Massengill was asked about any other activity at this location and he stated there is one report of a DUI but he had not had the chance to review it in depth.

Ms. Scott moved, seconded by Mr. Colverson, that the establishment had shown cause as to why the Board should not take any negative action and the motion carried unanimously.

Ms. Scott noted to Mr. Crossno that he has improved and done well. Mr. Osborne noted to Mr. Crossno the need to continue to keep a good track record and keep improving since this was one of the few 21 and over establishments for young adults.

## **ADJOURNMENT**

The meeting adjourned at 7:20 p.m. at the conclusion of the last show cause hearing

Respectfully submitted,

Barton Bailey, Secretary

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

Municipal Building Training Room  
Thursday, October 2, 2014  
5:30 p.m.

NOTE: Meeting had not taken place at time of agenda preparation and distribution. However, meeting will have taken place prior to the October 7, 2014 regular meeting. Minutes will be provided to the Board as soon as prepared in order for the Board to consider, if the Board wishes, approval of the minutes at the regular meeting in October.

**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:

Jefferson Terminal BAR

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:

102 Jefferson Terminal 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: \_\_\_\_\_

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

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

Gerald Lynn Britt

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

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

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:

Gerald Lynn Britt

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:

Gerald Britt 134 E. Wadsworth Circle O.R. TN 37830

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

BAR

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

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

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

DAVE TATE

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):

ID Everyone

\_\_\_\_\_

**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.**

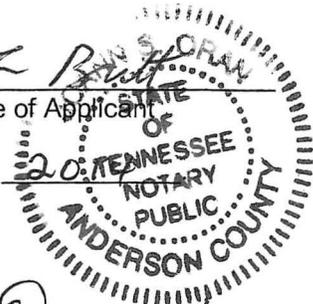
Applicant hereby solemnly swears or affirms the following:

- 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 9 day of Sept, 2014.

Derald F. Britton  
 Signature of Applicant



Sworn to and subscribed before me this 9th day of September, 2014.

My commission expires: Nov. 25, 2017.

J. Ann S. Oran  
 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 Jefferson Terminal BAR  
Business Address 102 Jefferson Terminal Rd OR
  
2. Manager's Full Name Gerald Lynn Britt
  
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:  
Has worked in the bar for several  
month's prior to Buying
  
5. Manager's Work History:  
How long have you been employed at the business? close to a year  
Date you became Manager: June  
Name of Previous Manager: Ed Gallaher Date left: \_\_\_\_\_  
Previous Employment for the past ten (10) years (name of business, address, length of employment, position held). Attach additional sheets if necessary):  
Britts Landscaping  
\_\_\_\_\_  
\_\_\_\_\_
  
6. Beer Permit History:  
Have you ever been employed at an establishment with a beer permit? no  
If so, where and when: \_\_\_\_\_  
Have you ever been a manager of an establishment with a beer permit? no  
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):  
Id Everyone  
\_\_\_\_\_  
\_\_\_\_\_

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.

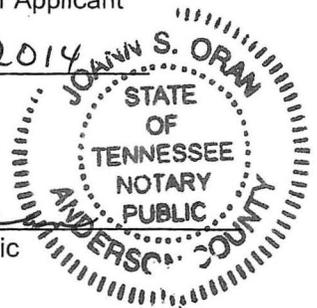
This the 9 day of Sept, 2014.

[Signature]  
Signature of Applicant

Sworn to and subscribed before me this 9th day of September, 2014.

My commission expires: Nov. 25, 2017.

[Signature]  
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–change location  
 existing permit–ownership change  
 existing permit–additional permit type

2. Name under which business will operate:

~~Big Daddy's Bar & Grill~~  
Ridge Runner's

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:

259 Warehouse Rd, 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:

To Be Determined

5. Proposed date business will open under this ownership:

To Be Determined Upon Approval

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

Pamela Dean Bunch

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

Throttle Down Bar and Grill, Inc.

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:

Pamela Dean Bunch

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:

Pamela Dean Bunch

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

Bar and Grill

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

Designated parking areas to the side and in front of the bldg. Additional parking available in gravel parking lot.

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

David Allison, 2906 Williams Bend Rd, Knoxville TN 37932

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? N/A

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.

N/A

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? Yes

If yes, explain:

Business I was Secretary and handling books & fill in

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):

All customers must present VALID ID / Proper training of all employees.

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.

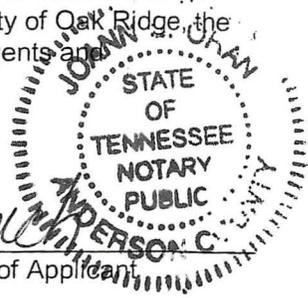
Applicant hereby solemnly swears or affirms the following:

- 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.
- 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 24<sup>th</sup> day of September, 2014.

Pamela Burch  
Signature of Applicant



Sworn to and subscribed before me this 24<sup>th</sup> day of September, 2014.

My commission expires: Nov. 25, 2017.

Joann S. Oun  
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 ~~Big Daddy's Bar & Grill~~ Ridge Runner's  
Business Address 259 Warehouse Road, Oak Ridge, TN 37830

2. Manager's Full Name Pamela Dean Bunch

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:

Atomic Bar  
Throttle Down Bar & Grill

5. Manager's Work History:

How long have you been employed at the business? N/A

Date you became Manager: \_\_\_\_\_

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):

Throttle Down Bar & Grill - Secretary 1 1/2 yrs 259 Warehouse Rd, Oak Ridge, TN  
Goodwill Industries - 2 1/2 mo. Mgr. Knoxville, TN  
Energy Solutions - 1 yr. Records Specialist Oak Ridge, TN  
American Reprographics - 3 yrs. Mgr. - Oak Ridge, TN

6. Beer Permit History:

Have you ever been employed at an establishment with a beer permit? Yes

If so, where and when: Atomic 2004, Throttle Down 2013-2014

Have you ever been a manager of an establishment with a beer permit? No

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:

N/A

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

All customer must have present VALID ID over age 21,  
Proper training of all employees signs  
pasted upon entering bldg, inside bldg, & visible  
at all registers.

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 24<sup>th</sup> day of September, 2014.

Pamela Burch  
Signature of Applicant



Sworn to and subscribed before me this 24<sup>th</sup> day of September, 2014.

My commission expires: Nov. 25, 2017.

Joan S. Oram  
Notary Public

## 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, \$1,000 civil penalty per violation for all other offenses). 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 # 2014-07

### Show Cause Hearing # 2014-07

**New China Palace**

**123 Central Avenue**

**Class "C" Permit #1475, Approved 4/8/13**

**Owner/Manager: Cheng Ping Ren**

Per the records of the Tennessee Alcoholic Beverage Commission, as sent to the Oak Ridge Beer Permit Board through Special Agent Derrick Dalton, the New China Palace sold beer to an underage person (19 year old) on June 9, 2014. The employee (Chen Xinna) did not check the underage person's identification.

At the July 14, 2014 meeting, the Oak Ridge Beer Permit Board voted to hold a Show Cause Hearing for the New China Palace regarding the sale of beer to a minor which occurred on June 9, 2014 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 Carl Webb, Oak Ridge Police Department, to Cheng Ping Pen on September 18, 2014. 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 (One Page). As noted on the document, this was the New China Palace's first offense and a \$1500 penalty was paid to the Tennessee Alcoholic Beverage Commission for the violation.

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

Selling beer to a minor is a violation of City Code and is grounds for action to be taken by the Oak Ridge Beer Permit Board against the beer permit and/or manager permit. (See City Code §8-801(1), §8-712(1)(a) and §8-713(1)). By City Code, the Board has authority to revoke or suspend the beer permit and/or manager application 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 of a beer permit. 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. There are no prior disciplinary actions to consider.

A decision of the Board to take negative action against a beer permit must be posted at the main entrance to the establishment and remain posted for the duration of the suspension or revocation.

Note: The business was given the opportunity to provide a written response for the show cause. No response was received by the deadline for publication of the agenda. If a response is received, it will be distributed to the Board via email.

# CITY OF OAK RIDGE



OAK RIDGE BEER PERMIT BOARD  
Telephone: (865) 425-3530  
Fax: (865) 425-3420

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

**HAND-DELIVERED BY ORPD**  
September 18, 2014

Cheng Ping Ren, Owner/Manager  
New China Palace  
123 Central Avenue  
Oak Ridge, Tennessee 37830

Re: Show Cause Hearing #2014-07 (Beer Permit #1475C) – Tuesday, October 7, 2014  
Notice to Appear

On July 14, 2014, the Oak Ridge Beer Permit Board (Board) voted to hold a Show Cause Hearing for the New China Palace in response to communication the Board received from the Tennessee Alcoholic Beverage Commission regarding a sale of beer to a minor (under the age of 21) that occurred on June 9, 2014 in violation of Tennessee Code Annotated §57-4-203(b)(1)(B). According to the TABC, the minor's identification was not checked. Serving beer to an underage person is grounds for action by the Beer Board. By City Code §8-712(1)(a), the Board has authority to revoke or suspend the beer permit, or impose a civil penalty up to \$2,500.00 in lieu of suspension. On September 16, 2014, the Board voted to schedule the hearing as follows:

**THE SHOW CAUSE HEARING HAS BEEN SET FOR TUESDAY, OCTOBER 7, 2014, IMMEDIATELY FOLLOWING THE BOARD'S REGULAR MEETING WHICH BEGINS AT 6:00 P.M. IN THE MUNICIPAL BUILDING COURTROOM LOCATED AT 200 S. TULANE AVENUE.**

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, a written response to the hearing may be provided to my office no later than Monday, September 29, 2014 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. If you have information you would like for the Board to have, but did not make the above deadline, you may still provide it to my office for distribution to the Board prior to the hearing date.

The Board did not request the presence of any specific persons from the establishment at this hearing. However, you may bring any persons and/or documentation you wish to the hearing. 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.

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

Delivered to New China Palace

Left original with: CHENG PING REN   
Employee's Printed Name and Signature

Officer's Signature/Date: T.E. Webb, Jr. 3582 09-18-2014



1379

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION  
500 James Robertson Pkwy, Davy Crockett Twr, 3rd Floor; Nashville, TN 37243-0755 PHONE: (615) 741-1602



REGULATORY CITATION

THE NUMBER OF VIOLATIONS ON THIS REGULATORY CITATION IS (TOTAL)= 1 (MAX. 5)

THE UNDERSIGNED BEING DULY SWORN UPON HIS/HER OATH DEPOSES THAT:

ON THE 9th DAY OF JUNE, 20 14  
PERMITEE: New China Palace ADDRESS: 123 Central Ave  
CITY: OAK Ridge, TN COUNTY: Anderson ZIP: 37830 PHONE: 865-482-3323  
PERMIT NUMBER: 18090 EXPIRATION DATE: 4/6/15

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

- | No. of Counts  | No. of Counts  |
|--|--|
| <input checked="" type="checkbox"/> 1 Sale of Alcoholic Beverage/Beer to Minor-\$1,500<br>TCA§ 57-4-203(b)(1)(A) or (B); 57-3-406(d) | <input type="checkbox"/> Health Inspection Displayed TCA§ 68-14-317(d)<br>\$150.00   |
| <input type="checkbox"/> Minor in Possession TCA§ 57-4-203(b)(2)(A)- \$1,500   | <input type="checkbox"/> Employing Persons to Dispense Alcoholic Beverages W/O a<br>Permit TCA§ 57-4-203(h); 57-3-204(4)(c) \$150.00 |
| <input type="checkbox"/> Sell/Furnishing Alcoholic Beverage to Visibly \$1,500<br>Intoxicated Person TCA§57-4-203(c)(1); 57-3-406(c) | <input type="checkbox"/> Failure to Timely Renew TCA§57-4-201(a)(3); 57-3-213(a)<br>\$350.00   |
| <input type="checkbox"/> Failure to Maintain Min Seating Requirements-\$300.00<br>TCA§57-4-102(29)(A); 57-3-211                      | <input type="checkbox"/> On Premises Sale By Bottle Restricted Rule #0100-1-.03(8)<br>TCA§57-4-203(e)(1)-\$250.00                    |
| <input type="checkbox"/> Failure to Properly Display Permit in a Conspicuous Place<br>TABC Rule #0100-1-03(17) - \$200.00            | <input type="checkbox"/> Hours of Sale Violation TCA§57-4-203(d); 57-3-406(e)<br>Rule #0100-1-.03(2); 0100-03-.13(4)-\$750.00        |
| <input type="checkbox"/> Failure to Post "Pregnancy Warning " TCA§ 57-1-211 -<br>\$150.00  | <input type="checkbox"/> Purchasing Alcoholic Beverages From Other Than A Licensed<br>Wholesaler TCA§57-3-404 et seq.-\$1,500.00     |
| <input type="checkbox"/> Other _____   | <input type="checkbox"/> Other _____   |

NARRATIVE: ON JUNE 9, 2014 @ APPROXIMATELY 6:26 PM CHEN XINNA  
SERVED A BUD LIGHT BEER TO I.H. COLLIC, D.O.B. 3/27/1995,  
19 YEARS OF AGE. DID NOT CHECK IDENTIFICATION.

The undersigned further states that he/she has just and reasonable grounds to believe and does believe, that the person/establishment named above committed the offense(s) herein set forth, contrary to Law and/or Rule. This 9th day of JUNE, 20 14.

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION SPECIAL AGENT

NOTICE: This Regulatory Citation imposes a total civil penalty in the amount of \$ 1500.00. If you choose to settle this Regulatory Citation without contesting the alleged violation(s), you are **REQUIRED** to pay the total civil penalty amount not later than twenty (20) calendar days from the citation date listed above. If you wish to contest this Regulatory Citation and the violation(s) contained therein you may do so by appearing before the Tennessee Alcoholic Beverage Commission: 500 James Robertson Pkwy, Davy Crockett Tower, 3rd Floor, Nashville, TN 37243-0755, on the 12th day of JULY, 20 14 at 9:30 A.M. Failure to appear on the date and time noted above may result in additional administrative penalties and/or costs being assessed against you, including suspension and/or revocation of your TABC Permit. It has been explained to me and I understand the above notice, and my signature below is an acknowledgement of my understanding and not an admission of guilt.

Cheng D - Rec 6-9-14 Date CHENG DING REN  
Signature of Recipient/Authorized Agent of Permittee Recipient's Name and Title (PRINT)

ADMISSION OF GUILT:

I/we agree to settle this TABC Regulatory Citation with the admission of my/our guilt as to the violation(s) noted above and the payment of the total civil penalty imposed, as noted above, and in the amount of \$ \_\_\_\_\_ (by business check, cashier's check or money order [no personal checks or cash accepted]). Upon the plea of guilty as to the above noted violations I/we enter a plea of guilt hereby waving any and all rights to a TABC administrative hearing and/or appeals.

Signature of Authorized Agent of Permittee or Permittee Date Authorized Agent of Permittee or Permittee's Name and Title (PRINT)

AB-0123 PAID JUN 17 2014 12482873 \$1500.00 NO Previous Violations RDA 2116  
New China Palace Exhibit B - Page 1 of 1

**SHOW CAUSE HEARING # 2014-08**

**Show Cause Hearing # 2014-08**

**Outback Steakhouse #4326**

**402 S. Illinois Avenue**

**Class "C" Permit #1427, Approved 5-9-11**

**Owner: Outback Steakhouse of Florida, LLC**

**Manager: Christopher Lynn Borden, Approved 2/10/14**

Per the records of the Tennessee Alcoholic Beverage Commission, as sent to the Oak Ridge Beer Permit Board through Special Agent Derrick Dalton, Outback sold beer to an underage person (19 year old) on June 9, 2014. The employee (Lakan Cornett) did check the underage person's identification.

At the July 14, 2014 meeting, the Oak Ridge Beer Permit Board voted to hold a Show Cause Hearing for Outback regarding the sale of beer to a minor which occurred on June 9, 2014 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 Carl Webb, Oak Ridge Police Department, to Christopher Borden on September 18, 2014. 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 (One Page). As noted on the document, this was Outback's first offense and a \$1500 penalty was paid to the Tennessee Alcoholic Beverage Commission for the violation.

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

Selling beer to a minor is a violation of City Code and is grounds for action to be taken by the Oak Ridge Beer Permit Board against the beer permit and/or manager permit. (See City Code §8-801(1), §8-712(1)(a) and §8-713(1)). By City Code, the Board has authority to revoke or suspend the beer permit and/or manager application 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 of a beer permit. 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. There are no prior disciplinary actions to consider.

A decision of the Board to take negative action against a beer permit must be posted at the main entrance to the establishment and remain posted for the duration of the suspension or revocation.

Note: The business was given the opportunity to provide a written response for the show cause. That response is attached and labeled as Exhibit C (One Page).

# CITY OF OAK RIDGE



OAK RIDGE BEER PERMIT BOARD

Telephone: (865) 425-3530

Fax: (865) 425-3420

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

**HAND-DELIVERED BY ORPD**

September 18, 2014

Christopher Lynn Borden, Manager  
Outback Steakhouse #4326  
402 S. Illinois Avenue  
Oak Ridge, Tennessee 37830

Re: Show Cause Hearing #2014-08 (Beer Permit #1427C) – Tuesday, October 7, 2014  
Notice to Appear

On July 14, 2014, the Oak Ridge Beer Permit Board (Board) voted to hold a Show Cause Hearing for Outback Steakhouse in response to communication the Board received from the Tennessee Alcoholic Beverage Commission regarding a sale of beer to a minor (under the age of 21) that occurred on June 9, 2014 in violation of Tennessee Code Annotated §57-4-203(b)(1)(B). According to the TABC, the minor's identification was checked and beer was still sold. Serving beer to an underage person is grounds for action by the Beer Board. By City Code §8-712(1)(a), the Board has authority to revoke or suspend the beer permit, or impose a civil penalty up to \$2,500.00 in lieu of suspension. On September 16, 2014, the Board voted to schedule the hearing as follows:

**THE SHOW CAUSE HEARING HAS BEEN SET FOR TUESDAY, OCTOBER 7, 2014, IMMEDIATELY FOLLOWING THE BOARD'S REGULAR MEETING WHICH BEGINS AT 6:00 P.M. IN THE MUNICIPAL BUILDING COURTROOM LOCATED AT 200 S. TULANE AVENUE. THERE IS ONE SHOW CAUSE HEARING SCHEDULED TO BE HEARD PRIOR TO OUTBACK'S HEARING.**

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, a written response to the hearing may be provided to my office no later than Monday, September 29, 2014 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. If you have information you would like for the Board to have, but did not make the above deadline, you may still provide it to my office for distribution to the Board prior to the hearing date.

The Board did not request the presence of any specific persons from the establishment at this hearing. However, you may bring any persons and/or documentation you wish to the hearing. 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.

Handwritten signature of Tammy M. Dunn in black ink.

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

Delivered to Outback Steakhouse

Left original with: CHRISTOPHER L. BORDEN  
Employee's Printed Name and Signature

Handwritten signature and date "9/18/14" in black ink.

Officer's Signature/Date: G. E. [Signature] 09-18-2014 3582



TENNESSEE ALCOHOLIC BEVERAGE COMMISSION  
500 James Robertson Pkwy, Davy Crockett Twr, 3<sup>rd</sup> Floor; Nashville, TN 37243-0755 PHONE: (615) 741-1602

1377



REGULATORY CITATION

THE NUMBER OF VIOLATIONS ON THIS REGULATORY CITATION IS (TOTAL)= \_\_\_\_\_ (MAX. 5)

THE UNDERSIGNED BEING DULY SWORN UPON HIS/HER OATH DEPOSES THAT:

ON THE 9<sup>th</sup> DAY OF JUNE, 20 14  
 PERMITEE: Outback Steakhouse ADDRESS: 402 S. Illinois Ave  
 CITY: OAK Ridge, TN COUNTY: Anderson ZIP: 37830 PHONE: 865-220-0783  
 PERMIT NUMBER: 18068 EXPIRATION DATE: 5/24/15  
18081

AFORSAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

No. of Counts		No. of Counts	
<input checked="" type="checkbox"/>	Sale of Alcoholic Beverage/Beer to Minor-\$1,500 TCA§ 57-4-203(b)(1)(A) or (B); 57-3-406(d)	<input type="checkbox"/>	Health Inspection Displayed TCA§ 68-14-317(d) \$150.00
<input type="checkbox"/>	Minor in Possession TCA§ 57-4-203(b)(2)(A)- \$1,500	<input type="checkbox"/>	Employing Persons to Dispense Alcoholic Beverages W/O a Permit TCA§ 57-4-203(h); 57-3-204(4)(c) \$150.00
<input type="checkbox"/>	Sell/Furnishing Alcoholic Beverage to Visibly \$1,500 Intoxicated Person TCA§57-4-203(c)(1); 57-3-406(c)	<input type="checkbox"/>	Failure to Timely Renew TCA§57-4-201(a)(3); 57-3-213(a) \$350.00
<input type="checkbox"/>	Failure to Maintain Min Seating Requirements-\$300.00 TCA§57-4-102(29)(A); 57-3-211	<input type="checkbox"/>	On Premises Sale By Bottle Restricted Rule #0100-1-.03(8) TCA§57-4-203(e)(1)-\$250.00
<input type="checkbox"/>	Failure to Properly Display Permit in a Conspicuous Place TABC Rule #0100-1-03(17) - \$200.00	<input type="checkbox"/>	Hours of Sale Violation TCA§57-4-203(d); 57-3-406(e) Rule #0100-1-.03(2); 0100-03-.13(4)-\$750.00
<input type="checkbox"/>	Failure to Post "Pregnancy Warning " TCA§ 57-1-211 - \$150.00	<input type="checkbox"/>	Purchasing Alcoholic Beverages From Other Than A Licensed Wholesaler TCA§57-3-404 et seq.-\$1,500.00
<input type="checkbox"/>	Other _____	<input type="checkbox"/>	Other _____

NARRATIVE: ON June 9, 2014 @ approximately 4:17 PM LAKAN L. CORNETT served a glass of Bud Light beer, 20 ounce to I14-0011C, D.O.B. 3/21/1995 who is nineteen (19) years of age. Did check identification.

The undersigned further states that he/she has just and reasonable grounds to believe and does believe, that the person/establishment named above committed the offense(s) herein set forth, contrary to Law and/or Rule. This 9<sup>th</sup> day of JUNE, 20 14.

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION SPECIAL AGENT

NOTICE: This Regulatory Citation imposes a total civil penalty in the amount of \$ 1500.00. If you choose to settle this Regulatory Citation without contesting the alleged violation(s), you are **REQUIRED** to pay the total civil penalty amount **not later than twenty (20) calendar days** from the citation date listed above. If you wish to contest this Regulatory Citation and the violation(s) contained therein you may do so by appearing before the Tennessee Alcoholic Beverage Commission: 500 James Robertson Pkwy, Davy Crockett Tower, 3<sup>rd</sup> Floor, Nashville, TN 37243-0755, on the 10<sup>th</sup> day of JULY, 20 14 at 9:30A. M. Failure to appear on the date and time noted above may result in additional administrative penalties and/or costs being assessed against you, including suspension and/or revocation of your TABC Permit. It has been explained to me and I understand the above notice, and my signature below is an acknowledgement of my understanding and not an admission of guilt.

x [Signature] 6/9/14 Chris Borden  
 Signature of Recipient/Authorized Agent of Permittee Date Recipient's Name and Title (PRINT)

ADMISSION OF GUILT:

I/we agree to settle this TABC Regulatory Citation with the admission of my/our guilt as to the violation(s) noted above and the payment of the total civil penalty imposed, as noted above, and in the amount of \$ \_\_\_\_\_ (by business check, cashier's check or money order [no personal checks or cash accepted]). Upon the plea of guilty as to the above noted violations I/we enter a plea of guilt hereby waving any and all rights to a TABC administrative hearing and/or appeals.

Signature of Authorized Agent of Permittee or Permittee Date Authorized Agent of Permittee or Permittee's Name and Title (PRINT)

PAID JUN 19 2014

AB-0123

12505180 \$1500.00

NO Previous Violations

RDA 2116

In response to our recent violation

To whom it may concern,

My name is Chris Borden and I am the managing partner at the Outback Steakhouse in Oak Ridge, TN. I am writing this letter in response to a violation that occurred at my restaurant this past June in which one of my employees, a Ms. Lakan Cornett served an underage girl illegally. I would like the board to know that this matter is not taken lightly by myself or my management staff. I would also like to take a few moments to highlight some actions we have taken to ensure that minors will not be served illegally in the future.

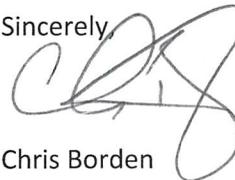
As soon as the gentleman from the TABC left my building, the server was immediately terminated. This decision was made to show my staff that the serving of minors will not be tolerated in any way shape or form. Secondly, in the days and weeks that followed we held several staff meetings in order to educate the staff on just what our specific policies were in regard to carding procedures. In the past it was policy to card any person appearing to be under the age of 35. Moving forward we have implemented a policy that says we card everyone and that they must have a valid form of identification.

In addition to the measures taken above, we have required all staff serving alcohol to re-take the responsible beverage course on our company's website to validate that we are in line with all federal and state regulations in regard to the sale of alcohol.

Lastly, we have posted numerous things like the license handbook and the "you must be born before today's date to purchase alcohol" signage in the back of house. Also, each server has been given ID checking tools given to us by Melinda Wolf of Pouncy Partners.

In closing, I hope that this letter will serve to illuminate how serious my staff and I are about the privilege as well as the responsibility we have of serving alcohol to the public. I believe that the steps we have taken will serve as effective remedial action and the we will continue to serve alcohol in the responsible manner that we are accustomed to. Thank you for your time.

Sincerely,



Chris Borden

Managing Partner

**SHOW CAUSE HEARING # 2014-09**

**Show Cause Hearing # 2014-09**

**Riverside Grill**

**100 Melton Lake Peninsula**

**Class "C" Permit #1454, Approved 5/14/12**

**Owners: Richard Chinn Jr. and Ryan Chinn**

**Manager: Eric Hux, Approved 5/14/12**

Per the records of the Tennessee Alcoholic Beverage Commission, as sent to the Oak Ridge Beer Permit Board through Special Agent Derrick Dalton, Riverside sold beer to an underage person (19 year old) on June 9, 2014. The employee (Breanna Robinson) did not check the underage person's identification.

At the July 14, 2014 meeting, the Oak Ridge Beer Permit Board voted to hold a Show Cause Hearing for Outback regarding the sale of beer to a minor which occurred on June 9, 2014 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 Carl Webb, Oak Ridge Police Department, to Christopher Borden on September 18, 2014. 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 (Three Pages). As noted on the document, this was Riverside's second offense (first offense back in 2012), and the establishment served a seven day suspension (June 30, 2014 – July 6, 2014) by an Agreed Order.

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

Selling beer to a minor is a violation of City Code and is grounds for action to be taken by the Oak Ridge Beer Permit Board against the beer permit and/or manager permit. (See City Code §8-801(1), §8-712(1)(a) and §8-713(1)). By City Code, the Board has authority to revoke or suspend the beer permit and/or manager application 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 of a beer permit. 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. There are no prior disciplinary actions to consider.

A decision of the Board to take negative action against a beer permit must be posted at the main entrance to the establishment and remain posted for the duration of the suspension or revocation.

Note: The business was given the opportunity to provide a written response for the show cause. That response is attached and labeled as Exhibit C (Seventeen Pages).

# CITY OF OAK RIDGE



OAK RIDGE BEER PERMIT BOARD  
Telephone: (865) 425-3530  
Fax: (865) 425-3420

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

**HAND-DELIVERED BY ORPD**  
September 18, 2014

Richard Chinn, Jr. and Ryan Chinn, Owners  
Eric Hux, Manager  
Riverside Grill  
100 Melton Lake Peninsula  
Oak Ridge, Tennessee 37830

Re: Show Cause Hearing #2014-09 (Beer Permit #1454C) – Tuesday, October 7, 2014  
Notice to Appear

On July 14, 2014, the Oak Ridge Beer Permit Board (Board) voted to hold a Show Cause Hearing for Riverside Grill in response to communication the Board received from the Tennessee Alcoholic Beverage Commission regarding a sale of beer to a minor (under the age of 21) that occurred on June 9, 2014 in violation of Tennessee Code Annotated §57-4-203(b)(1)(B). According to the TABC, the minor's identification was not checked. Serving beer to an underage person is grounds for action by the Beer Board. By City Code §8-712(1)(a), the Board has authority to revoke or suspend the beer permit, or impose a civil penalty up to \$2,500.00 in lieu of suspension. On September 16, 2014, the Board voted to schedule the hearing as follows:

**THE SHOW CAUSE HEARING HAS BEEN SET FOR TUESDAY, OCTOBER 7, 2014, IMMEDIATELY FOLLOWING THE BOARD'S REGULAR MEETING WHICH BEGINS AT 6:00 P.M. IN THE MUNICIPAL BUILDING COURTROOM LOCATED AT 200 S. TULANE AVENUE. THERE ARE TWO SHOW CAUSE HEARINGS SCHEDULED TO BE HEARD PRIOR TO RIVERSIDE'S HEARING.**

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, a written response to the hearing may be provided to my office no later than Monday, September 29, 2014 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. If you have information you would like for the Board to have, but did not make the above deadline, you may still provide it to my office for distribution to the Board prior to the hearing date.

The Board did not request the presence of any specific persons from the establishment at this hearing. However, you may bring any persons and/or documentation you wish to the hearing. 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.

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

Delivered to Riverside Grill

Left original with:

ERIC HUX   
Employee's Printed Name and Signature

Officer's Signature/Date:

C.E. Whitt, J. 3582 09-18-2014



REGULATORY CITATION

CONTACT

THE NUMBER OF VIOLATIONS ON THIS REGULATORY CITATION IS (TOTAL)= 1 (MAX. 5)

THE UNDERSIGNED BEING DULY SWORN UPON HIS/HER OATH DEPOSES THAT:

ON THE 9<sup>th</sup> DAY OF JUNE, 20 14

PERMITEE: Riverside Grille ADDRESS: 100 Melton Lake Peninsula  
CITY: Oak Ridge, TN COUNTY: Anderson ZIP: 37830 PHONE: 865-862-8646  
PERMIT NUMBER: 18084 EXPIRATION DATE: 10/13/2014

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

No. of Counts		No. of Counts	
<input checked="" type="checkbox"/>	Sale of Alcoholic Beverage/Beer to Minor-\$1,500 TCA§ 57-4-203(b)(1)(A) or (B); 57-3-406(d)	<input type="checkbox"/>	Health Inspection Displayed TCA§ 68-14-317(d) \$150.00
<input type="checkbox"/>	Minor in Possession TCA§ 57-4-203(b)(2)(A)- \$1,500	<input type="checkbox"/>	Employing Persons to Dispense Alcoholic Beverages W/O a Permit TCA§ 57-4-203(h); 57-3-204(4)(c) \$150.00
<input type="checkbox"/>	Sell/Furnishing Alcoholic Beverage to Visibly Intoxicated Person TCA§57-4-203(c)(1); 57-3-406(c)	<input type="checkbox"/>	Failure to Timely Renew TCA§57-4-201(a)(3); 57-3-213(a) \$350.00
<input type="checkbox"/>	Failure to Maintain Min Seating Requirements-\$300.00 TCA§57-4-102(29)(A); 57-3-211	<input type="checkbox"/>	On Premises Sale By Bottle Restricted Rule #0100-1-.03(8) TCA§57-4-203(e)(1)-\$250.00
<input type="checkbox"/>	Failure to Properly Display Permit in a Conspicuous Place TABC Rule #0100-1-03(17) - \$200.00	<input type="checkbox"/>	Hours of Sale Violation TCA§57-4-203(d); 57-3-406(e) Rule #0100-1-.03(2); 0100-03-.13(4)-\$750.00
<input type="checkbox"/>	Failure to Post "Pregnancy Warning " TCA§ 57-1-211 - \$150.00	<input type="checkbox"/>	Purchasing Alcoholic Beverages From Other Than A Licensed Wholesaler TCA§57-3-404 et seq.-\$1,500.00
<input type="checkbox"/>	Other _____	<input type="checkbox"/>	Other _____

NARRATIVE: ON JUNE 9, 2014 @ APPROXIMATELY 2:34 PM BREANNA ROBINSON SERVED A BUD LIGHT DRAFT BEER TO I14-0011C, D.O.B. 3-27-1995 WHO IS 19 YEARS OF AGE. ROBINSON DID NOT CHECK IDENTIFICATION.

The undersigned further states that he/she has just and reasonable grounds to believe and does believe, that the person/establishment named above committed the offense(s) herein set forth, contrary to Law and/or Rule. This 9<sup>th</sup> day of JUNE, 20 14.

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION SPECIAL AGENT

NOTICE: This Regulatory Citation imposes a total civil penalty in the amount of \$ Hearing. If you choose to settle this Regulatory Citation without contesting the alleged violation(s), you are **REQUIRED** to pay the total civil penalty amount not later than twenty (20) calendar days from the citation date listed above. If you wish to contest this Regulatory Citation and the violation(s) contained therein you may do so by appearing before the Tennessee Alcoholic Beverage Commission: 500 James Robertson Pkwy, Davy Crockett Tower, 3<sup>rd</sup> Floor, Nashville, TN 37243-0755, on the 10<sup>th</sup> day of JULY, 20 14 at 9:30 A. M. Failure to appear on the date and time noted above may result in additional administrative penalties and/or costs being assessed against you, including suspension and/or revocation of your TABC Permit. It has been explained to me and I understand the above notice, and my signature below is an acknowledgement of my understanding and not an admission of guilt.

Signature of Recipient/Authorized Agent of Permittee: [Signature] Date: 5/9/14 Recipient's Name and Title (PRINT): Eric Hux Managing Partner

ADMISSION OF GUILT:

I/we agree to settle this TABC Regulatory Citation with the admission of my/our guilt as to the violation(s) noted above and the payment of the total civil penalty imposed, as noted above, and in the amount of \$ \_\_\_\_\_ (by business check, cashier's check or money order [no personal checks or cash accepted]). Upon the plea of guilty as to the above noted violations I/we enter a plea of guilt hereby waving any and all rights to a TABC administrative hearing and/or appeals.

Signature of Authorized Agent of Permittee or Permittee Date Authorized Agent of Permittee or Permittee's Name and Title (PRINT)

APPROVED JUL 06 2014  
Suspension Complete

STATE OF TENNESSEE  
ALCOHOLIC BEVERAGE COMMISSION  
DAVY CROCKETT TOWER  
500 JAMES ROBERTSON PARKWAY  
3<sup>rd</sup> FLOOR  
NASHVILLE, TENNESSEE 37243-0755  
PHONE 615-741-1602  
FAX 615-253-3782

STATE OF TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

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IN THE MATTER OF: )  
)  
)  
TENNESSEE ALCOHOLIC BEVERAGE )  
COMMISSION )  
    Petitioner )    RI # - 14-1376  
v. )  
Waterview Concepts, LLC )  
d/b/a Riverside Grille )  
100 Melton Lake Peninsula )  
Oak Ridge, TN 37830 )  
Permit #18084 )  
    Respondent )  
)

**AGREED ORDER**

As evidenced by the signatures of Tennessee Alcoholic Beverage Commission Staff Attorney, Joshua Stepp, and Robert Pinson, Attorney for Respondent, it was determined that:

1. Respondent, Waterview Concepts, LLC d/b/a Riverside Grille (Riverside) admits the Tennessee Alcoholic Beverage Commission ("TABC") has jurisdiction over the matters herein contained.
2. Upon TABC investigation and by TABC report, the TABC has charged Riverside with committing the following violations: T.C.A. § 57-4-203(b)(1)(B), Sale of beer and/or malt beverages to a minor.
3. As a result of the violation of T.C.A. 57-4-203(b)(1)(B), citation RI #14-1376 was issued.
4. Riverside committed the same violation on February 16, 2012. As a result, citation RI 12-0242 was issued. A civil penalty of \$1,500.00 was assessed. Riverside paid said fine.
5. Riverside hereby agrees to a seven (7) day suspension of permit number 18084.

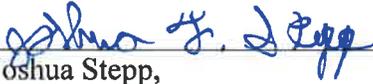
{01093059.2 }

6. This suspension shall begin on Monday, June 30, 2014 at 12:01a.m. and will conclude on Sunday, July 6, 2014, at 11:59 p.m.
7. On days of suspension no sales of alcoholic beverages shall occur, no orders for alcoholic beverages shall be placed with wholesalers, and no deliveries of alcoholic beverages shall be accepted.
8. Riverside agrees that it cannot cater to its premises located at 100 Melton Lake Peninsula, Oak Ridge, TN 37830 during this suspension period.
9. Riverside agrees that this settlement will be used in any further proceedings for enhancement purposes.
10. Riverside acknowledges that if a violation of T.C.A. § 57-4-203(b)(1)(A) or T.C.A. § 57-4-203(b)(1)(B) occurs again prior to February 16, 2015, the TABC may initiate revocation proceedings immediately at the sole discretion of the TABC.
11. Riverside waives all rights to a hearing and appeal under the provisions of T.C.A. §§ 4-5-101 *et seq.*, and 57-4-202.

It is therefore so Ordered, that the settlement of this matter is by consent without having afforded either party the opportunity for a contested case hearing held pursuant to the Tennessee Administrative Procedures Act.

Entered into this 26<sup>th</sup> day of June, 2014.

Approved for Entry by:

  
\_\_\_\_\_  
Joshua Stepp,  
Staff Attorney, TABC  
Davy Crockett Tower  
500 James Robertson Parkway, 3<sup>rd</sup> Floor  
Nashville, Tennessee 37243-0755

  
\_\_\_\_\_  
Robert Pinson  
Attorney for Respondent  
Bone McAllester Norton PLLC  
511 Union St., Ste. 1600  
Nashville, Tennessee 37219

September 26, 2014

**VIA HAND DELIVERY**

Ms. Tammy M. Dunn  
Senior Staff Attorney/Staff Liaison to the Board  
City of Oak Ridge  
P. O. Box 1  
Oak Ridge, TN 37831-0001

Re: Show Cause Hearing #2014-09 (Beer Permit #1454C) – Tuesday, October 7, 2014

Dear Ms. Dunn:

This letter is in response to your letter dated September 18, 2014 in which you state that a written response to the Notice to Appear at the Show Cause Hearing may be provided to you to be included in the Oak Ridge Beer Permit Board's (the "Board") agenda packet. We would like the Board to have the following information.

The Show Cause Hearing is being held for Riverside Grill as a result of a server failing to check a minor's identification on June 9, 2014. We take our responsibility regarding zero tolerance in serving underage patrons very seriously. While we believe we had strong policies and procedures in place at the time of the incident, we have strengthened and reiterated these policies and procedures as a result of this incident. To begin with, the server at fault was immediately terminated. In addition, we agreed with the Tennessee Alcohol Beverage Commission to have our license suspended for seven (7) days, which suspension took place June 30, 2014 – July 6, 2014. The day following the incident, we had a full front-of-house staff meeting during which the provisions of our Employee Handbook regarding service of alcohol were repeated, explained and discussed. Each employee was again required to sign a receipt for a copy of the Employee Handbook certifying each employee understands and agrees to comply fully with these policies and procedures. Attached as Exhibit A is an excerpt from our Employee Handbook relating to Service of Alcohol & Liquor Liability as well as copies of the Receipts signed by each front-of-house staff member. Further, we have made use of certain overlay cards mandatory for all

licenses. Attached as Exhibit B is a copy of the overlay card required to be used at Riverside Grill as well as pictures of calendars placed at a variety of checkpoints to assist staff in knowing the applicable birthdate for each day of work.

We have also installed additional signage at the entrance of the restaurant, making it clear we do not serve anyone who does not have an appropriate identification. Attached as Exhibit C is a picture of this signage. Further, we have implemented a policy requiring each bar service order contain the legend “over 21” for each alcoholic beverage ordered. The server must ask for identification for each order before the “over 21” is entered into the system. No bartender is permitted to pour alcohol unless the order contains the “over 21” language. This process allows managers to spot check compliance both of servers and bartenders. Any failure to follow this process results in immediate termination. A copy of an order form is attached as Exhibit D.

Again, we take our responsibility to comply with all applicable laws and regulations regarding the service of alcohol very seriously and expect our employees to do the same. We believe the measures we have taken, in addition to policies and procedures in place, should ensure compliance with these laws and regulations. We have taken our punishment of a 7 day suspension and moved passed it to implement tighter controls. I look forward to talking with the Board further on October 7, 2014 and addressing any remaining questions the Board may have.

Sincerely,



Paul Delahunt  
Director of Operations  
Riverside Grill

# CITY OF OAK RIDGE



OAK RIDGE BEER PERMIT BOARD  
Telephone: (865) 425-3530  
Fax: (865) 425-3420

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

**HAND-DELIVERED BY ORPD**

September 18, 2014

Richard Chinn, Jr. and Ryan Chinn, Owners  
Eric Hux, Manager  
Riverside Grill  
100 Melton Lake Peninsula  
Oak Ridge, Tennessee 37830

Re: Show Cause Hearing #2014-09 (Beer Permit #1454C) – Tuesday, October 7, 2014  
Notice to Appear

On July 14, 2014, the Oak Ridge Beer Permit Board (Board) voted to hold a Show Cause Hearing for Riverside Grill in response to communication the Board received from the Tennessee Alcoholic Beverage Commission regarding a sale of beer to a minor (under the age of 21) that occurred on June 9, 2014 in violation of Tennessee Code Annotated §57-4-203(b)(1)(B). According to the TABC, the minor's identification was not checked. Serving beer to an underage person is grounds for action by the Beer Board. By City Code §8-712(1)(a), the Board has authority to revoke or suspend the beer permit, or impose a civil penalty up to \$2,500.00 in lieu of suspension. On September 16, 2014, the Board voted to schedule the hearing as follows:

**THE SHOW CAUSE HEARING HAS BEEN SET FOR TUESDAY, OCTOBER 7, 2014, IMMEDIATELY FOLLOWING THE BOARD'S REGULAR MEETING WHICH BEGINS AT 6:00 P.M. IN THE MUNICIPAL BUILDING COURTROOM LOCATED AT 200 S. TULANE AVENUE. THERE ARE TWO SHOW CAUSE HEARINGS SCHEDULED TO BE HEARD PRIOR TO RIVERSIDE'S HEARING.**

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, a written response to the hearing may be provided to my office no later than Monday, September 29, 2014 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. If you have information you would like for the Board to have, but did not make the above deadline, you may still provide it to my office for distribution to the Board prior to the hearing date.

The Board did not request the presence of any specific persons from the establishment at this hearing. However, you may bring any persons and/or documentation you wish to the hearing. 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.

Handwritten signature of Tammy M. Dunn in black ink.

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

Delivered to Riverside Grill

Left original with: ERIC HUX Eric Hux  
Employee's Printed Name and Signature

Officer's Signature/Date: C. E. Wahl, Jr. 09-18-2014

# EXHIBIT A

**Non-exempt:** Employees whose positions do not meet the FLSA exemption standards are paid overtime. Employees classified as non-exempt generally work in non-supervisory, non-professional or non-administrative capacities.

**In addition, each employee's status is defined as one of the following:**

**Full-time:** Employees who work a minimum of 36 hours per week are considered to be full-time. Such full-time employees are eligible for benefits after applicable requirements for length of service have been met.

Liberty Park Grill's supplements its regular work force with temporary or part-time employees to help compensate for workload, employee absences, or other situations. Management will determine which positions are permanent part-time and which are considered temporary or seasonal.

**Part-time:** Employees who work less than 36 hours per week are considered to be part-time. Employees who work 36 hours or less per week, or who work on a temporary project basis, will receive all legally mandated benefits (such as workers compensation and Social Security benefits), but are ineligible for other benefit programs.

**Temporary:** Temporary employees are those engaged to work either part-time or full-time on Liberty Park Grill's payroll, but have been hired with the understanding that their employment will be terminated no later than upon their completion of a specific assignment. This category includes interns and co-op students. Such employees may be either "exempt" or "non-exempt" but are not eligible for Liberty Park Grill benefits except as mandated by law.

**Independent Contractors:** Consultants, freelancers or independent contractors are not employees of Liberty Park Grill. The distinction between employees and independent contractors is important because employees may be entitled to participate in the company's benefits programs, while independent contractors are not. In addition, Liberty Park Grill is not required to withhold income taxes, withhold and pay Social Security and Medicare taxes, or pay unemployment tax on payments made to an independent contractor.

**Service of Alcohol & Liquor Liability**

Liberty Park Grill will comply with state and local laws in the service of alcohol. It is the responsibility of every employee to take the necessary action to prevent over-consumption and/or under-age consumption of alcohol, and prevent our Guests from driving under the influence of alcohol. As a Manager, you will be held accountable and must ensure that all policies regarding the sales and consumption of alcoholic beverages are followed.

All employees who sell, pour or handle alcohol will be required to prove they meet the standards required by law, which requires attendance in a course facilitated by an Alcoholic Beverage Commission representative. It is the employee's responsibility to obtain and maintain a current liquor permit or ABC Certification Card allowing them to serve alcoholic beverages as specified in the local or county ordinance for EACH jurisdiction in which they are employed. Without the appropriate permit and/or certification card, the employee will not be allowed to work as a server or bartender. This permit/certification card must be in the employee's possession at all times during working hours. Failure to present your permit/certification card upon request to an ABC official will result in a citation and/or fines/penalties assessed to Liberty Park Grill.

We encourage our Guests to “enjoy in moderation”, but if a Guest shows signs of intoxication the Manager should assume immediate responsibility of the situation. All servers and bartenders will be thoroughly trained on the Responsible Service of Alcohol to recognize the signs of intoxication. In this instance, the server/bartender should cease serving alcohol to an individual that is visibly intoxicated and notify a Manager of the situation. We will not knowingly let our Guests leave the restaurant intoxicated with the intention of driving. As a service to our Guests and for the safety of our employees and community, we will provide complimentary taxi service for any Guest that appears to be too impaired to drive. Any employee who over-serves a Guest leading to intoxication will face disciplinary action, up to and including termination.

Liberty Park Grill employees who serve alcoholic beverages are REQUIRED to check I.D. of any Guest ordering alcohol, regardless of assumed age. Even if the Guest has a drink from the bar prior to being seated at a table, or has been served by another employee, the new server is REQUIRED to check I.D. before serving another alcoholic beverage. Serving a minor Guest or employee without proper I.D. will result in immediate termination.

### **Alcohol Related Convictions**

If you have two or more alcohol related convictions within two years or three within five years, whichever comes first, you cannot hold a position as an employee of Liberty Park Grill. You are REQUIRED to report any alcohol-related conviction to your Supervisor immediately. Abuse of any kind on the policies concerning service, consumption or convictions related to alcohol will result in disciplinary action, up to and including termination.

### **Disciplinary Action Policy**

The goal of Liberty Park Grill disciplinary program is to assist the employee to achieve an acceptable standard of conduct and performance in an effort to enhance and encourage continued, productive employment. We strive to provide consistency in managing disciplinary guidelines and believe that any disciplinary action taken by Liberty Park Grill should be relative to the severity of the situation being addressed. Every attempt will be made to advise employees of improper conduct or substandard performance by way of counseling, progress reviews, coaching and documentation in an effort to avoid discharge or dismissal, if possible.

The objective of Liberty Park Grill’s disciplinary guidelines are:

- To prescribe appropriate corrective action for substandard performance or unacceptable conduct,
- To ensure employees have been given adequate opportunity to understand what is expected of them,
- To give employees the opportunity to provide feedback,
- To provide Supervisors with best practice guidelines so that timely, consistent and fair corrective actions are considered and executed,
- To ensure appropriate documentation is maintained in the employee’s personnel file.

Disciplinary actions may entail verbal, written, final warnings, loss of bonus, suspension, or termination. All of these actions may not be followed in some instances. Liberty Park Grill reserves the right to exercise discretion in discipline and will strive to use appropriate disciplinary measures based on the pertinent facts and circumstances to ensure fairness for all employees.

## Receipt of Company Employee Handbook

The employee Handbook (sometimes called a Personnel Policy Manual, and referred to as the "Manual") is a compilation of personnel policies, practices and procedures currently in effect at Riverside Grill.

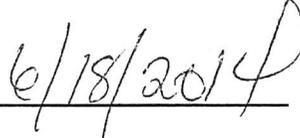
This Manual is designed to introduce employees to the organization, familiarize you with company policies as they pertain to you as an employee, provide general guidelines on work rules, disciplinary procedures and other issues related to your employment, and to help answer many of the questions that may arise in connection with your employment.

This manual is not a contract. Only the CEO, or other authorized representative(s) of Riverside Grill has the authority to enter into an agreement guaranteeing employment for a specific term, any such agreement must be in writing. This Manual is intended solely to describe the present policies and working conditions at Riverside Grill. This Manual does not purport to include every conceivable situation; it is merely meant as a guideline, and unless laws prescribe otherwise, common sense shall prevail.

Personnel Policies are applied at the discretion of Riverside Grill. Riverside Grill reserves the right to change, withdraw, apply, or amend any of our policies or benefits, including those covered in this Manual, at any time. Riverside Grill may notify you of such changes via email or via a printed memo, notice, amendment to or reprinting of this Manual, but may, in its discretion make such changes at any time, with or without notice.

By signing below, you acknowledge that you have received a copy of Riverside Grill's Management Handbook, and understand that it is your responsibility to read and comply with the policies contained therein and any revisions made to it. Furthermore, you acknowledge that this Manual is neither a contract of employment nor a legal document, your employment with the "Company" is "at-will".

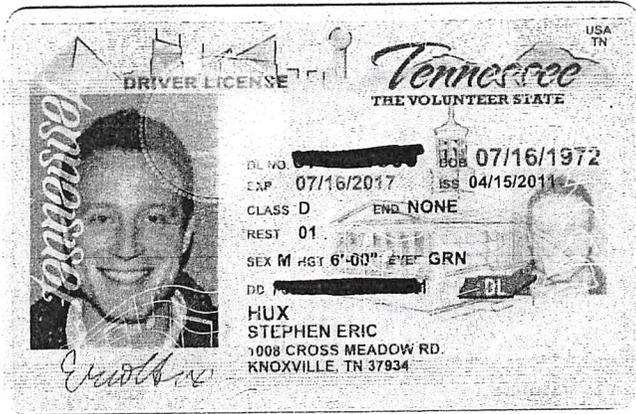
  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Please print your full name

Please sign and date one copy of this notice and return it to Human Resources. Retain a second copy for your reference.

## EXHIBIT B



**Tennessee License** 

If other than your state issued, consult your ID book.

**ID Coder**

Does the picture match the person? **1**  
 Under 21? →

Expired? ▾ **2**

Born on or before today's date Alcohol: 1993  
 Tobacco: 1996

**TopShelf**   
 responsible beverage service

**You Have Risks. We Have Solutions.** Use Through Dec **2014**

# Tennessee License



If other than your state issued, consult your ID book.

ID Coder

Does the picture match the person? **1**  
Under 21? →



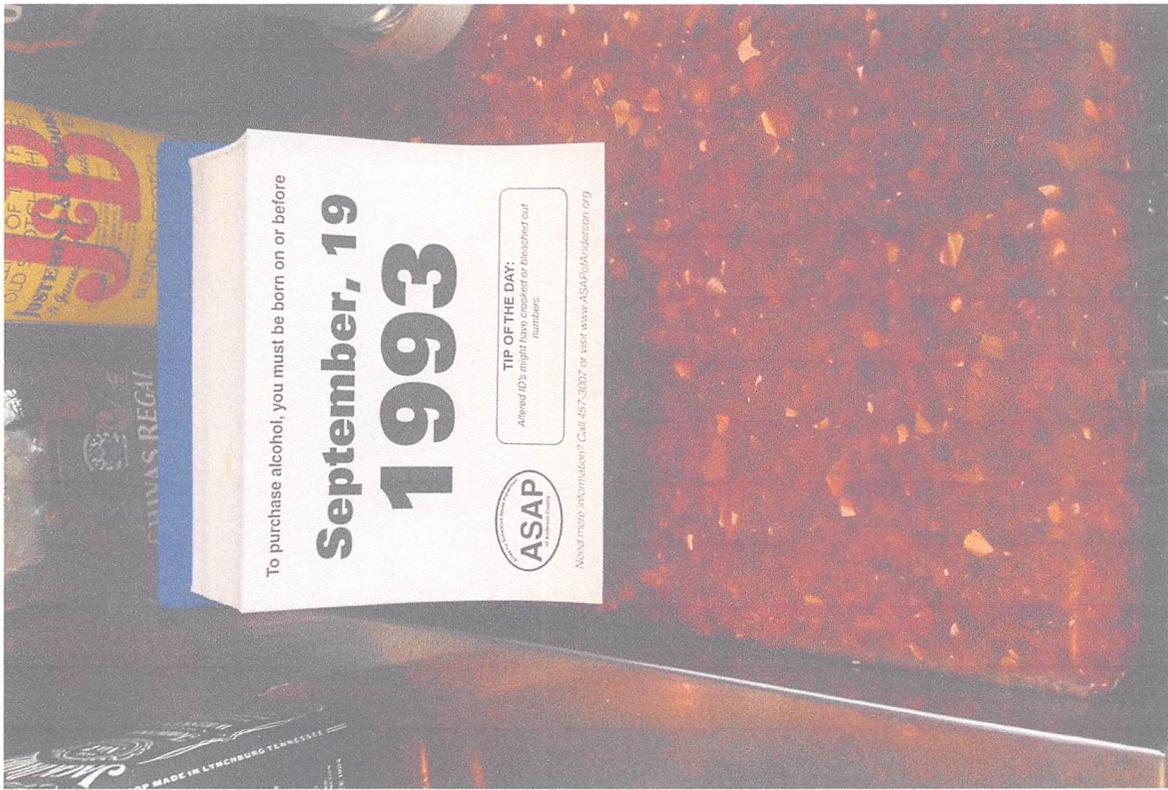
Expired? ▾ **2** 07/16/1972  
07/16/2017

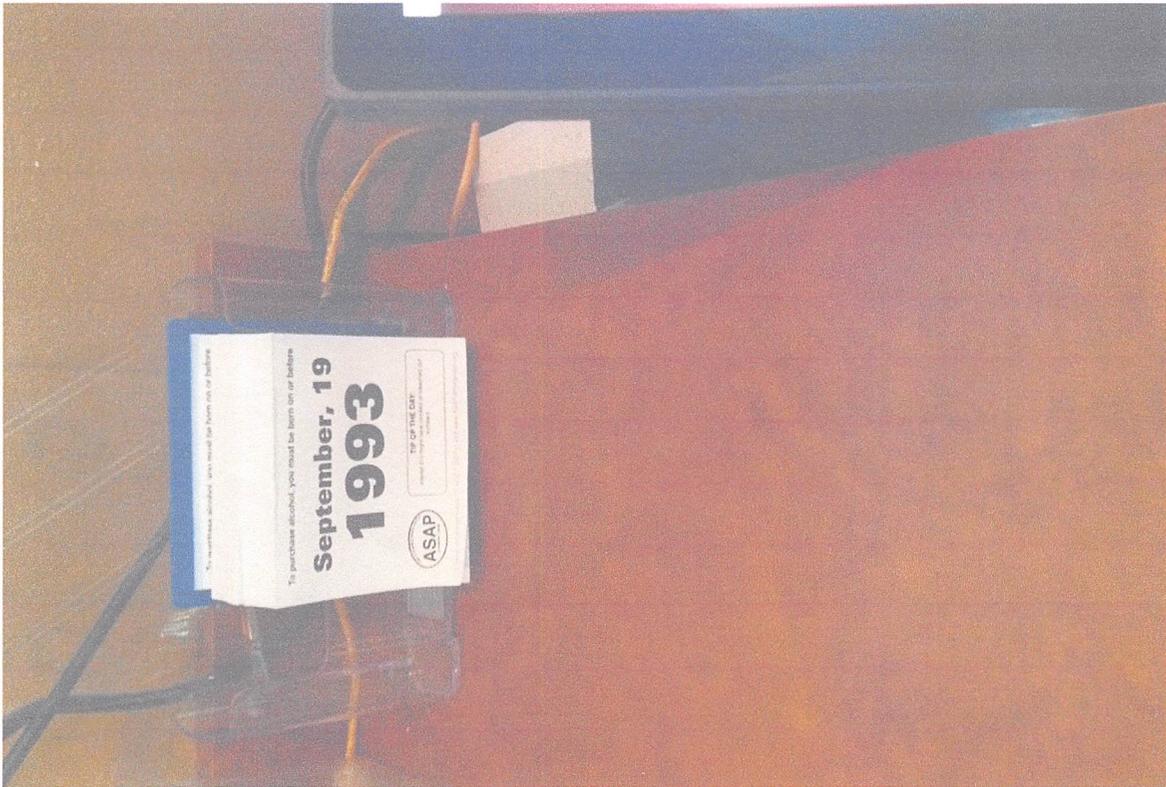
Born on or before today's date Alcohol: 1993  
Tobacco: 1996



You Have Risks. We Have Solutions.

Use Through Dec 2014





## EXHIBIT C





## EXHIBIT D

Time: 16:00  
Table: 99 CK# D120  
HANNAH M BAR PREP  
BAR SERVER

HP 1,  
DINING LUNC

DRAFT SAM 1

OVER 21 1

DRAFT BUD LIGHT 2

OVER 21 2