

**OAK RIDGE BEER PERMIT BOARD
REGULAR MEETING**

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

AGENDA

1. ATTENDANCE
2. APPROVAL OF MINUTES – July 14, 2014
3. APPLICATIONS FOR NEW BEER PERMITS AND ASSOCIATED MANAGER APPROVAL APPLICATIONS

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

4. NEW MANAGER APPROVAL APPLICATIONS – None

Note: Red Lobster's Manager will remain Katherine Todd who was approved by the Beer Board on 7/15/13. Ms. Todd was unable to attend this meeting and will be scheduled for September 2014.

5. NEW / OLD BUSINESS
 - A. Reports from Oak Ridge Police Department (if any)
 - B. Pending Show Cause Hearings

6. ADJOURNMENT

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

Municipal Building Training Room – Room 104
Monday, July 14, 2014
12:00 noon

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

ABSENT: Chairman Randy Tedford and Colin Colverson

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

AUDIENCE MEMBERS: Stacey Pratt, Allies for Substance Abuse Prevention

ROLL CALL/ATTENDANCE

In the absence of the Chairman, Ms. Dunn called the meeting to order at 12:00 noon. All members were present except Chairman Tedford and Mr. Colverson, both of whom gave prior notice to the Legal Department of their absence from the meeting.

ACTING CHAIRPERSON

Secretary Bailey offered to preside over the meeting in the Chairman's absence, which was seconded by Ms. Scott and approved by unanimous consent.

APPROVAL OF MINUTES

Ms. Williams moved, seconded by Mr. Osborne, to approve the minutes of the June 9, 2014 regular meeting and the motion carried unanimously.

APPLICATIONS FOR NEW BEER PERMITS AND THEIR ASSOCIATED MANAGER APPROVALS

Application #1502

Free Medical Clinic of Oak Ridge
Fundraising Event – August 16, 2014 5pm – 11pm
Tonya Vargas, Supervisor of Beer Sales
327 Vermont Avenue – St. Mary's Parish Life Center
Class E Permit

Acting Chairman Bailey moved to combine the discussion of Applications #1502 and #1504, which was seconded by Ms. Scott, and the motion carried unanimously.

Tonya Vargas, Barbara Ferrell, and Manderlay Swain were present to discuss the special event beer permit applications for Free Medical Clinic of Oak Ridge. Dr. Vargas stated the process used in the past at St. Mary's will be used for the August event. Deputy Chief Massengill stated there have been no problems in the past. Ms. Ferrell stated the September event will be in a designated, roped off area and knowledgeable bartenders will be used. IDs will be checked.

The Board reminded the applicants of the responsibility to make sure no one hands off beer to an underage person. Mr. Osborne inquired about bands, and Ms. Ferrell stated they would be using stamps instead. Mr. Osborne moved, seconded by Ms. Scott, to approve the applications and the motion carried unanimously.

Application #1503

Trinity Outreach Center of Hope (TORCH)
Beer Tasting – September 12, 2014 7pm – 11pm
Zabrina Minor, Supervisor of Beer Sales
Grove Center – High Places Community Church Building
Class E Permit

Zabrina Minor and Melissa Friedrich were present to discuss the special event beer permit application. Ms. Minor stated the event will be held inside High Places Church and patrons must be twenty-one or up to attend. Patrons will be ID'd twice and will be banded. The tasting event will only allow a 3 oz pour per drink and all "pourers" will be given information on what to look out for regarding intoxication and cab numbers will be available if needed. Food will also be provided. Deputy Chief Massengill stated it sounded like good organization for the event. The Board reminded Ms. Minor to watch for people leaving with beer and to call 911 when needed.

Acting Chairman Bailey moved, seconded by Ms. Scott, to approve the beer permit application and the motion carried unanimously.

Application #1504

Free Medical Clinic of Oak Ridge
Taste of Oak Ridge – September 20, 2014 4:30pm – 10pm
Barbara Ferrell, Supervisor of Beer Sales
809 Oak Ridge Turnpike – Unitarian Universalist Church Parking Lot
Class E Permit

Approved during the discussion of Application #1502. See above minutes.

NEW MANAGER APPROVAL APPLICATIONS

Lori Brown

Replacement Manager
Rocky Top #903
1190 Oak Ridge Turnpike

Ms. Brown was present to discuss her application. Ms. Brown explained the training process for new hires (an approximate three-day initial training with at least one day training with Ms. Brown, as well as training with the company through Diane Pearson within 60 days of hire). Ms. Brown also mentioned mystery shoppers are used to make sure sales do not occur to underage persons and the Board and Ms. Dunn reminded Ms. Brown that there are state law provisions that must be followed when underage purchasers are used to attempt to buy beer as part of a compliance check. Ms. Brown stated they are looking to improve the blind spot at this location through the addition of eight new cameras.

Ms. Solmonson moved, seconded by Mr. Osborne, to approve the manager application and the motion carried unanimously.

Victoria Renee Ballard
Replacement Manager
Lincoln's Sports Grille
119 S. Illinois Avenue

Ms. Ballard was present to discuss her application. Ms. Ballard stated she is one of a three-member management team with Sarah Keenan and Adam Johnson. Ms. Ballard explained her past work at Outback and how employees were retrained monthly and corporate tested employees for following the rules regarding beer sales. Ms. Ballard stated at Lincoln's they only hire employees who are already ABC certified and they conduct weekly training to refresh employees. Ms. Ballard also stated they use Serve Safe and TIIPS, and employees are reminded before each shift about the rules. Ms. Ballard stated they push food with alcohol sales and employees know they can refuse service and are required to notify management if an underage person attempts to buy alcohol.

Ms. Ballard was asked if she was manager when an employee sold beer to a minor on June 9, 2014. Ms. Ballard stated she was not working that night but the server was new, was suspended for 72 hours, was required to be recertified by the ABC. A concern was raised regarding Ms. Ballard's young age to manage the business, but Ms. Ballard stated she was tougher than she looked.

Ms. Ballard was reminded about the parking lot responsibilities. Acting Chairman Bailey moved, seconded by Mr. Osborne to approve the manager application and the motion carried by a vote of 4 to 1 with Ms. Solmonson voting against.

NEW / OLD BUSINESS

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

None. Deputy Chief Massengill stated he would obtain information on a recent issue at Puerto Cancun but did not have anything with him at the meeting on this establishment

B. Results of Tennessee Alcoholic Beverage Commission's Recent Minor Compliance Check

Legal Department Memorandum 14-25 set forth in the information provided by Special Agent Derrick Dalton regarding the June minor compliance check. Five businesses sold beer to an underage purchaser as part of this compliance check – Lincoln's Sports Grille, Moose Lodge, The New China Palace, Outback, and Riverside Grille. Ms. Dunn provided a status report that Riverside paid a \$1500 penalty to the TABC and took a one week suspension of the liquor license. All other businesses were pending before the TABC. Ms. Dunn also reported that some servers had their day in court in General Sessions and others were still pending.

Acting Chairperson Bailey moved, seconded by Ms. Solmonson, to schedule show cause hearings for all five businesses and the motion carried unanimously.

Ms. Scott moved for a special meeting to further discuss the specifics of the compliance check, but this motion died for lack of second. Ms. Dunn did state she would request detailed information from Special Agent Derrick Dalton and would forward the information when received. Dates/times for the show cause hearings remain pending.

ADJOURNMENT

The meeting adjourned at 12:50 p.m. upon unanimous approval after motion by Acting Chairman Bailey seconded by Mr. Osborne.

Respectfully submitted,

Barton Bailey, Secretary

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

Application for (check all that apply):

manufacturer (Class A Permit) on-premises consumption (Class C Permit)
 hotel or club (Class D 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: Red Lobster #0702

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: 359 S. Illinois Avenue, Oak Ridge, TN 37830

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

4. Business Telephone Number: (865) 481-3330
5. Proposed date business will open under this ownership: July 28, 2014
6. Full Name of Applicant (Owner or Owner's Agent/Representative):
Red Lobster Restaurants LLC
7. Applicant's prior experience selling/serving beer or other alcoholic beverage:
applicant and its affiliates operate multiple restaurants that serve alcoholic beverages across the U.S.
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:
Katherine Irene Todd
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:
Colleen Hunter; Attn: Licensing, P.O. Box 695016, Orlando, FL 32869-5016

11. Describe the nature of the business (ex. restaurant, bar, tavern, club, convenience store, etc.)
Full-service restaurant serving alcoholic beverages
-
12. Description of the business's footprint and parking areas available to/for the use of the business (attach drawing if available):
see attached
-
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13. Name, mailing address and telephone number of the property owner, if other than the business owner:
Applicant owns the premises effective 7/28/2014
- 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
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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? No
- If yes, explain: N/A
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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.
School - Oak Ridge High School, 1450 Oak Ridge Tpke, Oak Ridge, TN 37830
Church - Oak Ridge Church of Christ, 225 North Purdue Ave., Oak Ridge, TN, 37830
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18. Describe steps which will be taken to prevent the sale of beer to those under twenty-one (21):
see attached training manual
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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 14th day of July, 2014
By: [Signature]
Signature of Applicant
Colleen M. Hunter, Assistant Secretary

Sworn to and subscribed before me this 14 day of July, 2014
My commission expires: August 06, 2016

NOTARY PUBLIC
MARY DIANE KIERSTEIN
MY COMMISSION # EE 222737
EXPIRES: August 6, 2016
Bonded Thru Budget Notary Services

[Signature]
Notary Public