

**OAK RIDGE BEER PERMIT BOARD
SPECIAL MEETING**

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

AGENDA

1. ATTENDANCE

2. 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).

At this meeting, the Board will consider available dates/times for the remaining three (3) show cause hearings. Special Agent Derrick Dalton has stated his availability for October is good. Available dates and times based on room availability have been previously sent to the Board.

3. 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. At this time, the Court has not granted the request for a stay. A copy of the Petition is attached for reference.

4. ADJOURNMENT

IN THE CHANCERY COURT FOR ANDERSON COUNTY, TENNESSEE

IN RE: Lincoln's Sports Grille, LLC
119 S. Illinois Ave., Oak Ridge, TN 37830

14CH6595

COPY

PETITION FOR WRIT OF CERTIORARI

Comes now the Petitioner, and hereby moves this Court for a Writ of Certiorari and would show unto the Court the following:

1. On or about August 28, 2014, the Beer Board of Oak Ridge Tennessee, suspended the Petitioners right to sell beer for one (1) year.
2. Upon information and belief, the Petitioner is being hit with a more substantial penalty than similar establishments have faced with similar conduct.
3. The Petitioner hereby requests that this Court have a *de novo* hearing on this matter to determine whether the Petitioners violated any rules of conduct pertaining to the sale of beer and the appropriate punishment.
4. The Petitioners request this pursuant to Tennessee Code Annotated Section 57-5-108.
5. The Petitioners request that pursuant to Tennessee Code Annotated Section 57-5-108 (g) that this Court issue a stay of the Oak Ridge Beer Board's ruling. The Petitioner anticipates this ligation may be protracted, given the need to do discovery in this matter. Failure of this Court to issue a stay of the Beer Board's decision will result in irreparable lose to the Petitioner, because it severely impacts Petitioner's ability to do business while this matter is pending. On the other hand, if this Court grants a stay and ultimately upholds the decision of the Beer Board, the Petitioner can still be suspended for

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STEVE R. QUEENER
CLERK AND MASTER

a year after this Court's decision. Thus, a stay of the Beer Board's decision is in the interest of justice.

WHEREFORE, PREMISES CONSIDERED, the Petitioner respectfully requests the following:

1. That this Court grant the Petitioner a Writ of Certiorari and set this matter for hearing.
2. That the Beer Board of Oak Ridge, Tennessee be required to prepare a transcript of the proceedings consistent with Tennessee Code Annotated Section 57-5-108 (e).
3. That a stay be granted of the Beer Board's suspension pursuant to Tennessee Code Annotated Section 57-5-108 (g).
4. For such further and general relief that the Petitioners may be entitled.

Respectfully submitted, this the 2 day of Sept, 2014.


Scot Green



Kevin C. Angel, BPR No. 019950
Angel & Associates
667 Emory Valley Rd.,
Suite A
Oak Ridge, Tennessee 37830

**OAK RIDGE BEER PERMIT BOARD
SPECIAL MEETING**

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

AGENDA

1. ATTENDANCE

2. 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)

Per reports from the Oak Ridge Police Department, an employee of the establishment (Akbar Abdul Rahman, Manager) sold beer to an intoxicated patron on July 30, 2014 just prior to 2:20 p.m. Selling beer to an intoxicated patron 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 §8-804, §8-712(2)(f) and §8-713(9))

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)

Per reports from the Oak Ridge Police Department, two employees of the establishment—on separate occasions (March 2, 2014 and March 17, 2014)—were arrested for DUI and public intoxication, respectively, soon after leaving the establishment. Both employees admitted to drinking at Aubrey's. Serving or allowing the consumption of beer by persons who are intoxicated is a violation of City Code and grounds for action to be taken by the Oak Ridge Beer Permit Board against the beer permit and/or manager permit. (See City Code §8-712(2)(f) and §8-713(9))

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)

Per reports from the Oak Ridge Police Department, a patron of the establishment was arrested for DUI after drinking at the establishment. Serving or allowing the consumption of beer by persons who are intoxicated is a violation of City Code and grounds for action to be taken by the Oak Ridge Beer Permit Board against the beer permit and/or manager permit. (See City Code §8-712(2)(f) and §8-713(9))

3. ADJOURNMENT

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.

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

SHOW CAUSE HEARING # 2014-06

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)

Per reports from the Oak Ridge Police Department (ORPD), an employee of the establishment (Akbar Abdul Rahman, Manager) sold beer to an intoxicated patron on July 30, 2014 just prior to 2:20 p.m. Selling beer to an intoxicated patron 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 §8-804, §8-712(2)(f) and §8-713(9))

The notice of the Show Cause Hearing was hand-delivered by Officer Luethge, Oak Ridge Police Department, to Akbar Rahman on September 3, 2014. A copy of the notice is attached and labeled as Exhibit A (Two Pages).

Details: Per ORPD reports (Incident #2014-02883), Dispatch received a call from a witness advising of a possible intoxicated subject in the parking lot of Ian's Market #32 (formerly Paula's Market). A description of the subject's clothing, actions, and vehicle was given to Dispatch by the witness. The witness reported the subject stumbled into the store. Officer Higgins later observed the vehicle at a high rate of speed and traveling over the center line of traffic and back to the edge of the road. The subject was pulled over and could not properly perform standardized field sobriety tests. The subject admitted to the officer that he had been drinking and just purchased some more beer at the gas station. Officer Higgins arrested the subject for DUI based upon his inability to maintain his lane of travel, slurred speech, and the totality of the circumstances. Officer Ridenour investigated the sale of beer upon the subject's statement that he just bought beer from the establishment and gave a description of the employee who sold the beer. Officer Ridenour's observations of the subject were that a reasonable person could assume the subject was intoxicated at the time of and prior to the sale of beer. Officer Ridenour's visit to the establishment provided information leading to the belief that the manager was the employee who made the sale of beer to the subject. Officer Higgins and Officer Ridenour will be present to testify in this case.

Ian's Market submitted a written response to the Board. The response is attached and labeled as Exhibit B (One Page).

By City Code §8-712(1)(a) and §8-713(9), the Board has authority to revoke or suspend the beer permit and/or revoke the manager permit(s) for the sale of beer to an intoxicated person, respectively. The Board also has authority to offer the imposition of a civil penalty (not to exceed \$1,000.00 per violation) 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 taken by the Board against this establishment.

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 3, 2014

Abdul Rahman Shakoor Jamal, Owner
Akbar Abdul Rahman, Manager
Ian's Market #32
12 Arkansas Avenue
Oak Ridge, Tennessee 37830

Re: Show Cause Hearing #2014-06 – September 16, 2014 – Notice to Appear

On August 11, 2014, the Oak Ridge Beer Permit Board voted to hold a Show Cause Hearing for Ian's Market #32 in response to communication the Board received from the Oak Ridge Police Department regarding a DUI arrest. Selling beer to persons who are intoxicated is a violation of City Code and is grounds for action by the Beer Board (City Code §8-804, City Code §8-712(2)(f), and City Code §8-713(9)).

- On July 30, 2014 at approximately 2:20 p.m., Officer Higgins investigated a report of an erratic driver who was later stopped and arrested to DUI. Officer Higgins was informed by dispatch of a witness who called to report an elderly white male wearing a white polo shirt and khaki shorts stumbling across the parking lot and into Ian's Market #32 at 12 Arkansas Avenue. The witness observed the elderly man leave the store, get in a vehicle, and drive over a curb while leaving the parking lot. Based upon the witness's description of the driver and the vehicle, Officer Higgins located the vehicle driving near Tractor Supply and pulled over the driver on Warehouse Road. The driver and vehicle matched the description given by the witness to dispatch. The driver advised Officer Higgins he had "probably four" drinks and that he was just at the gas station to buy cigarettes and beer. The driver was unable to successfully complete field sobriety tests. The driver volunteered to submit to a blood draw for compliance with the Implied Consent law. Based upon the driver's inability to maintain his lane of travel, slurred speech, and the totality of the circumstances, Officer Higgins arrested the driver for DUI.

Officer Ridenour assisted Officer Higgins with the traffic stop of the driver. Based upon Officer Ridenour's recent completion of a DUI detection course and field sobriety training at the Governor's Highway Safety Office as well as his personal observations and law enforcement training, Officer Ridenour also found probable cause to believe the driver was operating a vehicle while under the influence.

A 12-pack of cold beer was found within the driver's vehicle along with a bottle of vodka. The driver stated he purchased the beer at Ian's Market on Arkansas prior to being stopped by the police. The driver described the clerk who sold him the beer as an Indian male. Based on the level of intoxication exhibited by the driver and based upon the time of the initial call to the stop, Officer Ridenour is of the belief that a reasonable person could assume the driver was intoxicated prior to and at the time of the sale of beer at Ian's Market. Officer Ridenour followed up with the on duty clerk at Ian's who stated she began her shift at 3:00 p.m. (prior to the sale) and had relieved the manager Akbar Abdul "Raymond" Rahman, who would have made any sales prior to her shift.

By City Code §8-712(2), the Board has authority to revoke or suspend the beer permit, or impose a civil penalty up to \$1,000.00 per offense in lieu of suspension.

THE SHOW CAUSE HEARING HAS BEEN SET FOR TUESDAY, SEPTEMBER 16, 2014, 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. If the business wishes to do so, a written response to the hearing may be provided to my office no later than September 8, 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.

Owners and/or managers should attend the hearing. Please bring any other persons or documentation you wish. If you bring audio/video footage, please provide a means to play the audio/video or contact my office well in advance of the hearing to make arrangements.

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

Sincerely,

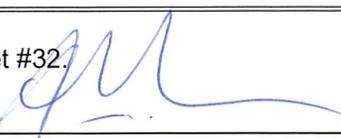


Tammy M. Dunn
Senior Staff Attorney/Staff Liaison to the Board

Delivered to Ian's Market #32.

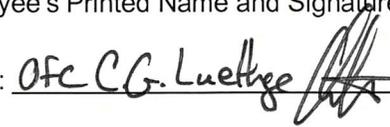
Left original with: _____

Employee's Printed Name and Signature



AKBAR RAHMAN

Officer's Signature/Date: _____



Ofc CG. Luettge 4390 ORPD 9/13/14

Date: September 7th, 2014

To: Tammy M Dunn

Oak Ridge Beer Permit Board

Re: Show Cause Hearing # 2014-06

As the Manager of two stores selling alcohol here in Oak Ridge for 12 years, I am as concern as anybody else in the Board. Being a manager at Quick stop and at Ian's Market 32 for several years, I have faced many challenges in selling beer. I have successfully refused to sell Beer several times because either the person was intoxicated or under age.

As a responsible citizen, me and my staff are taking full precautions to identify those under influence, by refusing to sell beer, and report them immediately.

Just to share with you an incident happened on Aug 11 2014, between 10:00 - 11:00 am I called 911 because I identify a person under influence and was trying to buy gas. My immediate response was to professionally hold that person from driving till the law showed up and arrested him. Am sure ORPD should have a report for that.

However, on July 30th, 2014, unfortunately I was unsuccessful in identifying him intoxicated may be because he pretended to be normal and did not show any obvious signs of being drunk.

As a father of 5 year old son, I fully understand that a person under influence on the road can hurt my family or any other citizens and I take every precaution to avoid that.

As a Manager, me and my staff have taken further preventives measures to avoid these incidents to happen in future and to be more cautious in observing beer purchasers behaviors and their body language.

If u have any concerns please contact me.

Akbar Rahman, Manager



Ian's Market #32

12 Arkansas Avenue

Oakridge, TN 37830

PH: 8659240277

Email: akbar07@gmail.com

SHOW CAUSE HEARING # 2014-02

Show Cause Hearing # 2014-02

Aubrey's Inc.

481S. Illinois Avenue

Class "C" Permit #1463 Approved 10/8/12

Owner: Aubrey Burleson

Manager: Kathryn Jenkins (3/10/14)

Per reports from the Oak Ridge Police Department, two employees of the establishment—on separate occasions (March 2, 2014 and March 17, 2014)—were arrested for DUI and public intoxication, respectively, soon after leaving the establishment. Both employees admitted to drinking at Aubrey's. Serving or allowing the consumption of beer by persons who are intoxicated is a violation of City Code and grounds for action to be taken by the Oak Ridge Beer Permit Board against the beer permit and/or manager permit. (See City Code §8-712(2)(f) and §8-713(9))

The notice of the Show Cause Hearing was hand-delivered by Officer Luethge, Oak Ridge Police Department, to Jon Nicely on September 2, 2014. A copy of the notice is attached and labeled as Exhibit A (Two Pages).

Details (DUI): Per ORPD reports (Incident #2014-00788), Sergeant Pitts observed a vehicle traveling lower than the posted speed limit, drifting toward the outer fog line, abruptly braking, making a wide left turn, and hesitating on the roadway. The driver was stopped and she had glossy bloodshot eyes and thick tongued speech. The driver admitting to drinking "one beer." Officer Higgins conducted field sobriety tests on the driver. Based on the driver's performance of the tests, she was arrested for DUI. In plain view in the vehicle, the following was found: an open container of Blue Moon beer and an unopened container of Blue Moon beer. There were also numerous unopened sample bottles of whisky in the center console and in her purse. The driver told Officer Higgins she had one beer after she got off work at Aubrey's. The subject's BAC level was .17, which exceeds the legal limit. Sergeant Pitts and Officer Higgins will be present to testify in this case.

Details (Public Intoxication): Per ORPD reports (Incident #2014-01005), Officer Thomas was advised by Officer Standefer of a suspicious person on Emory Valley Road. Officer Thomas observed the subject stumble and almost fall off the sidewalk. The subject's speech was slurred, his eyes were bloodshot and glassy, and there was a moderate odor of an alcoholic beverage on his person. The subject stated he was walking home from work at Aubrey's and had consumed three beers. The subject advised he got off work at 11:30 p.m. Officer Higgins conducted HGN and modified Rhomberg clock tasks to the subject. Officer Thomas observed the subject performed poorly on both tasks. The subject was unable to care for himself due to intoxication and Officer Thomas arrested him for public intoxication. Officer Thomas will be present to testify in this case.

By City Code §8-712(1)(a) and §8-713(9), the Board has authority to revoke or suspend the beer permit and/or revoke the manager permit(s) for the sale of beer to an intoxicated person, respectively. The Board also has authority to offer the imposition of a civil penalty (not to exceed \$1,000.00 per violation) 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. Prior disciplinary actions taken by the Board are attached and labeled as Exhibit B (One Page).

Note: The business was given the opportunity to provide a written response for the show cause. No response was received by publication of the agenda. If a response is received prior to the meeting, 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 2, 2014

Aubrey Burleson, Owner/Manager
Kathryn Jenkins, Manager
Aubrey's Inc.
481 S. Illinois Avenue
Oak Ridge, Tennessee 37830

Re: Show Cause Hearing #2014-02 – September 16, 2014 – Notice to Appear

On April 14, 2014, the Oak Ridge Beer Permit Board unanimously voted to hold a Show Cause Hearing for Aubrey's in response to communication the Board received from the Oak Ridge Police Department regarding two separate intoxication arrests of Aubrey's employees that occurred soon after the employees left work. Serving or allowing consumption of beer by persons who are intoxicated is grounds for action by the Beer Board (City Code §8-712(2)(f) and City Code §8-713(9)).

- On March 2, 2014 at approximately 2:12 a.m., Sergeant Pitts stopped Cody Alicia Brooks for erratic driving (slower than posted speed but drifting out of the lane and abruptly braking for no apparent reason). Sergeant Pitts observed the following – thick tongued speech, and glossy and bloodshot eyes – of Ms. Brooks. Officer Higgins conducted field sobriety tests and, based upon her performance of these tests, Ms. Brooks was arrested for DUI and other charges. Ms. Brooks' vehicle was searched incident to arrest and an open container of 16 oz Blue Moon beer was found as well as an unopened bottle of Blue Moon and several small unopened sample bottles of cinnamon whiskey. Ms. Brooks' BAC was .17%, which is in excess of the legal limit. Ms. Brooks admitted to Sergeant Pitts that she was drinking in the bar after work at Aubrey's.
- On March 17, 2014 at approximately 11:49 p.m., Officer Thomas investigated a report of a suspicious person hitchhiking on Emory Valley Road and observed the person to be stumbling and almost fall from the sidewalk. The person was identified as Alex Hamrick. Officer Thomas observed the following – slurred speech, bloodshot and glassy eyes, unsteady and lost balance, difficulty in comprehending questions, and moderate odor of alcoholic beverage on his person – of Mr. Hamrick. Mr. Hamrick told Officer Thomas he got off work from Aubrey's at 11:30 p.m. and was walking home. Mr. Hamrick stated he consumed three beers after he finished work. Officer Higgins performed field sobriety tests which Mr. Hamrick failed. At such point, Mr. Hamrick was arrested for public intoxication.

The Show Cause Hearing was originally set for June 9, 2014; however, at the May 23, 2014 meeting the Board voted to postpone the hearing to an undetermined date. At their August 11, 2014 meeting, the Board voted to schedule the hearing.

THE SHOW CAUSE HEARING HAS BEEN SET FOR TUESDAY, SEPTEMBER 16, 2014, AT 7:00 P.M., IN THE MUNICIPAL BUILDING COURTROOM LOCATED AT 200 S. TULANE AVENUE.

By City Code §8-712(2), the Board has authority to revoke or suspend the beer permit, or impose a civil penalty up to \$1,000.00 per offense in lieu of suspension.

The show cause hearing will be the business's opportunity to explain to the Board why negative action should not be taken against the beer permit. Owners and/or managers should attend. If the business wishes to do so, a written response to the hearing may be provided to my office no later than September 8, 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 has requested the presence of the following persons at the Show Cause Hearing: employees Cody Brooks and Alex Hamrick (if still employed), the manager(s) on duty immediately preceding the arrests, and the bartenders/servers involved in the consumption of beer/alcohol by the arrested employees. Please bring any other persons or documentation you wish. If you bring audio/video footage, please provide a means to play the audio/video or contact my office well in advance of the hearing to make arrangements.

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

Sincerely,



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

Delivered to Aubrey's.

Left original with: _____

Employee's Printed Name and Signature

Officer's Signature/Date: _____

San Nicely 
OFC C.G. Luettge  4390 ORPD

SHOW CAUSE HEARING # 2014-02

**EXHIBIT B
SHOW CAUSE HEARING HISTORY FOR AUBREY'S**

November 18, 2013 (Show Cause Hearing #2013-08)

Reason for hearing: Report of sale of beer to an underage person on March 18, 2013 as part of an underage compliance check conducted by the Tennessee Alcoholic Beverage Commission.

Action by Board: None, sufficient cause shown. In response to this incident, Aubrey's stated they hired a company to conduct mystery shopping frequently at each location. Additionally, they stated the business would hold quarterly meetings beginning January 2014 focusing on underage patrons and consumption. The employee who sold the beer (Ms. Brooks) stated she did not do the math correctly on the date of birth and is now very careful about it.

SHOW CAUSE HEARING # 2014-03

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)

Per reports from the Oak Ridge Police Department, a patron of the establishment was arrested for DUI after drinking at the establishment. Serving or allowing the consumption of beer by persons who are intoxicated is a violation of City Code and grounds for action to be taken by the Oak Ridge Beer Permit Board against the beer permit and/or manager permit. (See City Code §8-712(2)(f) and §8-713(9))

The notice of the Show Cause Hearing was hand-delivered by Officer Luethge, Oak Ridge Police Department, to Carll Spangler on September 2, 2014. A copy of the notice is attached and labeled as Exhibit A (Two Pages).

Details: Per ORPD reports (Incident #2014-01099), Officer Robbins observed a vehicle into oncoming traffic during a turn, crossing the double yellow line, and crossing into oncoming lane of travel on two more occasions. The driver disregarded blue lights and siren, and was later stopped in the driver's driveway. The driver had slurred speech, was unsteady on his feet, and appeared to be under the influent of an intoxicant. In response to whether or not the driver had been drinking, he responded "not enough that I can't get home." In the driver's vehicle were two empty wet airplane bottles of vodka and an empty can of beer that appeared to be recently consumed. The driver was arrested for DUI. Officer Wallace transported the driver to the jail. While waiting for the breath sample, the driver informed Officer Wallace that he had been drinking at home, then went to a friend's house, then went to Brewski's, and then stopped at Rocky Top to buy cigarettes on his way home. The driver's BAC level was .131, which exceeds the legal limit. Officer Robbins and Officer Wallace will be present to testify in this case.

By City Code §8-712(1)(a) and §8-713(9), the Board has authority to revoke or suspend the beer permit and/or revoke the manager permit(s) for the sale of beer to an intoxicated person, respectively. The Board also has authority to offer the imposition of a civil penalty (not to exceed \$1,000.00 per violation) 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. Prior disciplinary actions taken by the Board are attached and labeled as Exhibit B (One Page).

Note: The business was given the opportunity to provide a written response for the show cause. No response was received by publication of the agenda. If a response is received prior to the meeting, 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 2, 2014

Nang Crossno, Owner/Manager
Wanda Reagan, Manager
Back to Brewski's
144 Randolph Road
Oak Ridge, Tennessee 37830

Re: Show Cause Hearing #2014-03 – September 16, 2014 – Notice to Appear

On April 14, 2014, the Oak Ridge Beer Permit Board voted to hold a Show Cause Hearing for Back to Brewski's in response to communication the Board received from the Oak Ridge Police Department regarding a DUI arrest of a patron of Brewski's. Serving or allowing consumption of beer by persons who are intoxicated is grounds for action by the Beer Board (City Code §8-712(2)(f) and City Code §8-713(9)).

- On March 25, 2014, patron Wesley F. Vines, was arrested for DUI. Officer Robbins observed a vehicle enter the oncoming lane of traffic while negotiating a turn, then cross over the double yellow center lines and travel into oncoming traffic lanes two more times. Officer Robbins initiated blue lights and siren; however, the driver disregarded and continued to drive. The traffic stop occurred in the driveway of Mr. Vines' home. Officer Robbins observed an odor of alcoholic beverage on Mr. Vines' person and observed he was unsteady on his feet. Mr. Vines also had slurred speech and appeared confused to the officer. Officer Robbins was unable to conduct the Standardized Field Sobriety Tests due to Mr. Vines' uncooperative behavior. At the time of arrest (3:36 a.m.), Mr. Vines admitted to drinking alcoholic beverages. Officer Robbins searched the vehicle incident to arrest and found two empty wet airplane bottles of Smirnoff Vodka and an empty can of 3rd Shift beer. Mr. Vines indicated to Officer Wallace (the transporting officer) that he began drinking alcoholic beverages at home around 10:00 p.m. on March 24, 2015, then went to a friend's house, then drank at Brewski's, and went to Rocky Top Market to buy cigarettes on his way home. Breathalyzer results were taken at 4:32 a.m. on March 25, 2014. Mr. Vines' BAC was .131, which is in excess of the legal limit.

The Show Cause Hearing was originally set for June 9, 2014; however, at the May 23, 2014 meeting the Board voted to postpone the hearing to an undetermined date. At their August 11, 2014 meeting, the Board voted to schedule the hearing.

THE SHOW CAUSE HEARING HAS BEEN SET FOR TUESDAY, SEPTEMBER 16, 2014, AT 8:00 P.M., IN THE MUNICIPAL BUILDING COURTROOM LOCATED AT 200 S. TULANE AVENUE. There are two show cause hearings immediately prior to your hearing which may result in a later start time.

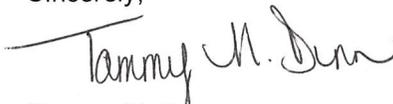
By City Code §8-712(2), the Board has authority to revoke or suspend the beer permit, or impose a civil penalty up to \$1,000.00 per offense in lieu of suspension.

The show cause hearing will be the business's opportunity to explain to the Board why negative action should not be taken against the beer permit. Owners and/or managers should attend. If the business wishes to do so, a written response to the hearing may be provided to my office no later than September 8, 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 presence of the owner/manager is requested for the hearing. Please bring any other persons or documentation to the hearing that you wish. If you bring audio/video footage, please provide a means to play the audio/video or contact my office well in advance of the hearing to make arrangements.

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

Sincerely,



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

Delivered to Back to Brewski's.

Left original with: Carli S Spangler CSpangler
Employee's Printed Name and Signature

Officer's Signature/Date: OFC C.L. Luethge AA 4390 ORPD

SHOW CAUSE HEARING # 2014-03

**EXHIBIT B
SHOW CAUSE HEARING HISTORY FOR BACK TO BREWSKI'S**

July 15, 2013 (Show Cause Hearing #2013-03) – Re-Visited August 12, 2013

Reason for hearing: Report from ORPD of public intoxication arrest outside establishment and drugs/narcotics arrest occurring inside establishment on April 13, 2013.

Action by Board: Originally – Two week suspension (September 1-14, 2013), with one week of suspension to be lifted upon completion of alcohol awareness training by all servers, bartenders, and owners. Training was completed.

Amended – Civil penalty option of \$1,000.00 was given for remaining week of suspension, which was paid.