

OAK RIDGE BEER PERMIT BOARD  
REGULAR MEETING

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

AGENDA

1. ATTENDANCE
2. APPROVAL OF MINUTES – Regular Meeting of August 12, 2013
3. APPLICATIONS FOR NEW BEER PERMITS AND ASSOCIATED MANAGER APPROVAL APPLICATIONS

Application No. 1483

St. Mary's Catholic Church  
John Slankas, Supervisor of Beer Sales  
Fall Festival at St. Mary's Church (327 Vermont Avenue)  
October 4-5, 2013  
Class "E" Permit

Application No 1484

Free Medical Clinic of Oak Ridge  
Robert Bardorf and John Cosgrove, Supervisors of Beer Sales  
Taste of Oak Ridge Event at Jackson Square Parking Lot  
September 28, 2013  
Class "E" Permit

Application No 1485

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

Application No 1486

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

4. NEW MANAGER APPROVAL APPLICATIONS

Andy Keck

Applebee's  
1213 Oak Ridge Turnpike

5. **SHOW CAUSE HEARING**

**Show Cause Hearing # 2013-05**

**Lincoln's Sports Grille**

**119 S. Illinois Avenue**

**Class "C" Beer permit # 1406, Approved: 8/9/10**

**Class "B" (Catering) Beer Permit #1439, Approved: 11/14/11**

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

**Manager: Lisa Green (Approved 4/8/13)**

At the August 12, 2013 meeting, the Board unanimously voted to hold a Show Cause Hearing for Lincoln's regarding the sale of beer to a minor which occurred on March 18, 2013 as part of a minor compliance check conducted by the Tennessee Alcoholic Beverage Commission.

6. **NEW / OLD BUSINESS**

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

At the August 12, 2013 meeting, the Board requested the staff liaison to do three things involving the Tennessee Alcoholic Beverage Commission: (1) obtain a five-year violation history on Oak Ridge businesses, (2) obtain documentation on the other establishments that sold beer to a minor on March 18, 2013 as part of the Tennessee Alcoholic Beverage Commission's minor compliance operation, and (3) formally communicate to the Tennessee Alcoholic Beverage Commission a request that the City/Board be notified of the results of future operations in a timely manner.

Legal Department Memorandum 13-32, attached, provides information on the above requests. This memorandum contains two attachments which provide the requested information from the Tennessee Alcoholic Beverage Commission.

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

At the August 12, 2013 meeting, members requested the staff liaison to do two things involving possible ordinance amendments: (1) Chairman Tedford request information on requiring permittees to notify the City/Board when they are cited by the Tennessee Alcoholic Beverage Commission, and (2) Ms. Scott requested information on requiring training for beer permittees (owners) prior to issuance of a beer permit.

Legal Department Memorandum 13-33, attached, provides information on the above requests. This memorandum contains one attachment which provides information on training requirements in other cities/counties for the Board's review/reference.

7. **ADJOURNMENT**

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

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

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

ABSENT: None

ALSO PRESENT: Tammy Dunn, Senior Staff Attorney  
Brad Jenkins, Lieutenant  
Derrick Dalton, Special Agent Tennessee Alcoholic Beverage Commission

AUDIENCE MEMBERS: Michael Foster, Allies for Substance Abuse Prevention  
Stacy Pratt, Allies for Substance Abuse Prevention  
Kim Pouncey, Top Shelf  
Bob Fowler, Knoxville News Sentinel  
John Huotari, Oak Ridge Today

**ATTENDANCE**

Chairperson Tedford called the meeting to order at 12:03 p.m. All members were present except for Secretary Bailey and Mr. Colverson.

**APPROVAL OF MINUTES**

Ms. Williams moved, seconded by Ms. Scott, to approve the minutes of the July 15, 2013 meeting and the motion carried by a vote of 4 to 0 with Secretary Bailey and Mr. Colverson abstaining from the vote due to their absence at the July meeting.

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

(None)

## **NEW MANAGER APPROVAL APPLICATIONS**

**Melanie Butts**  
**Bread Box #3471**  
**680 Emory Valley Road**

Ms. Butts was present to discuss her application. The Board inquired about Ms. Butts' experience in selling beer and her managerial experience. The Board also reminded Ms. Butts about the responsibility to make sure no unlawful activity is occurring in the parking lot, such as beer consumption, and to call the police if there is any trouble. Lieutenant Jenkins reported there were no recent issues at the Bread Box.

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

## **NEW / OLD BUSINESS**

Secretary Bailey moved, seconded by Ms. Scott, to discuss the item under New/Old Business out of order on the agenda and the motion carried unanimously.

### **Show Cause Hearing # 2013-03 – Back 2 Brewski's**

Nang Crossno, owner of Back 2 Brewski's, and Dondie Jai Hensley were present at the meeting to request the Board to modify the decision made at the July 15, 2013 show cause hearing. Mr. Crossno handed out a letter, dated August 12, 2013, to the Board members at the meeting. Chairman Tedford responded to this letter by telling Mr. Crossno the reason for the Board's action at the show cause hearing was not due to the calls to the police but was due to the problems at the establishment that appeared to be a direct result of not cutting patrons off from beer consumption in a timely manner. Chairman Tedford also stated the Board had already decided this hearing and had never in the Board's history opened a hearing back up after a decision was made.

Mr. Colverson stated the Board would like to incentivize establishments to call the police when problems arise and that Mr. Crossno's letter begs the question of whether the police would have even known about the situation had the establishment not called for assistance. Chairman Tedford reiterated that the decision of the Board was not to penalize the establishment for calling the police. Chairman Tedford further stated he made the motion to allow half of the suspension to be lifted if all of the employees were trained particularly in how/when to cut off patrons from beer consumption.

Mr. Crossno stated he felt the decision was too harsh but did not disagree that some type of action should have been taken by the Board. Ms. Scott stated the opportunity for explanations was at the show cause hearing and it was unfortunate that Mr. Crossno now had a different responsible. Ms. Scott stated at the show cause hearing the establishment was found to be irresponsible and the Board was being kind by allowing one week of the suspension to be lifted if employees were trained. Mr. Crossno stated this was a lesson learned and he should have brought an attorney to the show cause hearing. Mr. Crossno asked the Board to amend the motion to allow for a civil penalty to be paid. Lieutenant Jenkins reported on an incident recently occurring outside the establishment (August 10, 2013) regarding intoxication.

Ms. Scott moved to leave the decision as is. This motion died for lack of a second.

Mr. Colverson moved, seconded by Ms. Solmonson, to maintain the two week suspension and to continue to allow one week of the suspension to be lifted if employee training occurred by the deadline, but to add a \$1,000 civil penalty in lieu of the remaining one week suspension and the motion carried by a vote of 5 to 1 with Ms. Scott voting against. Mr. Crossno stated training is scheduled for August 22, 2013 at 9:00 a.m. The Board informed Mr. Crossno that the civil penalty must be paid seven days prior to the suspension (scheduled to begin on September 1, 2013). Mr. Crossno stated he was aware of the seven day requirement.

Chairman Tedford stated this was extraordinary circumstances and in most cases he would be reluctant to change a show cause decision of the Board. Chairman Tedford stated he was not entirely comfortable with changing the decision and asked Mr. Crossno to please be careful and have no repeat offenses.

### **SHOW CAUSE HEARING**

#### **Show Cause Hearing # 2013-04**

**Applebee's Neighborhood Bar & Grill**

**1213 Oak Ridge Turnpike**

**Class "C" Beer permit # 1220, Approved: 6/8/1998**

**Owner: Quality Restaurant Concepts LLC**

**Manager: Amy Ann Steele (Approved 6/14/2010)**

Chairman Tedford announced the show cause hearing and swore in the witnesses.

Bobby Prince, Regional Manager, and Andy Keck, General Manager, were present for the hearing. Mr. Prince advised that Ms. Steele is no longer employed as a manager of the establishment.

Special Agent Derrick Dalton, Tennessee Alcoholic Beverage Commission (TABC), reported to the Board that the TABC conducted a minor compliance check in Anderson County on March 18, 2013. As part of this compliance check, seven establishments sold beer to a minor which included Applebee's. According to prior history, this was the second offense for the sale of beer to a minor by Applebee's with the first occurring in May 2012. Since this was the second offense within a three year period, the TABC's approach was more aggressive and the TABC and Applebee's agreed to a five day suspension of the liquor by the drink permit and a \$500.00 penalty.

When asked by the Board, Special Agent Dalton could not explain why the City/Board did not receive notice of the prior offense; however, he did explain that notice of the recent offense was in response to a pilot project by the State. Special Agent Dalton listed the other businesses that also sold beer to a minor, but reported these were a first offense: Moose Lodge, Lincoln's, Hildalgo, Aubrey's, Hacienda, and Ruby Tuesday.

Ms. Williams asked Ms. Dunn if she received any detail on the other businesses. Ms. Dunn stated she did not, however, she did ask the State about whether information would be sent and was told the information was not sent because the businesses were first offenders. Special Agent Dalton stated he would like to have a working relationship with the City for notifications.

Secretary Bailey inquired of Applebee's what happened since the information shows their employee looked at the minor's driver's license but still sold him a beer. Mr. Prince stated there was an issue in calculating the date. Mr. Prince noted that there has been a complete change in leadership at Applebee's and he is now the Regional Manager for this location and Mr. Keck is the General Manager.

Mr. Prince gave the Board a four-page document regarding the courses of action that have been implemented by Applebee's since the unlawful sale occurred. As part of the change in leadership, a more direct and aggressive policy on alcohol and beer sales was implemented. This policy includes requiring a valid ID from all patrons desiring to purchase alcohol and beer, the use of a TABC Overlay Card that helps identify the date of birth, a requirement that the date of birth be written on the order pad and placed in the order system, a requirement that bartenders not process the order without the date of birth, a requirement that all employees be ABC certified prior to any employment involving alcohol/beer sales, a requirement for managers to check for the Overlay Card at each pre-shift daily meeting, a requirement that managers validate the "We ID Sign" daily, and a requirement that all employees complete the Serv-Safe Alcohol Program. Additionally, Mr. Prince stated there is a no tolerance policy for failure to comply. Mr. Prince also stated managers are required to personally observe any patron who orders a second alcohol/beer beverage for any signs of intoxication. Ms. Kim Pouncey with Top Shelf stated her organization created the Overlay Card that is being used at Applebee's.

Mr. Prince stated immediate action was taken against the employee, though he cannot explain why the employee did not realize the patron was underage. Mr. Prince stated all employees must sign a contract to comply with the policy and there has been some turnover because of the new policy.

Mr. Colverson stated Applebee's had taken extraordinary mitigative measures, however, this was the second offense for the sale of beer to a minor even though it is the first time before the Board. Mr. Colverson also stated the sale of beer to a minor is the most offensive violation. Mr. Prince stated he was not the Regional Manager at the time of the first offense; however, there were consequences for the first offense with the TABC. Mr. Prince stated he would like to move forward and mentioned immediate action was taken when this sale of beer occurred. Mr. Colverson asked Mr. Prince what he thoughts would be if the Board initiated a civil penalty. Mr. Prince stated he feels they have already been penalized for the unlawful sale by the State and the penalty had an impact on the business through a large loss in revenue. Secretary Bailey asked if beer was sold during the suspension of the liquor license and Mr. Prince said it was. Ms. Scott asked if there were any other complaints against Applebee's and Lieutenant Jenkins stated there was one complaint but it was unfounded.

Ms. Scott pointed out that Applebee's does a lot for the community, such as pancake breakfasts and fundraisers, which encourages a younger crowd but beer was sold to a minor. Mr. Prince stated they are a family oriented establishment and do not cater to one demographic. Ms. Scott stated she liked what Applebee's has done in response to the unlawful sale.

Ms. Solmonson moved, seconded by Ms. Williams, that Applebee's had shown sufficient cause for the Board to not take any negative action against the beer permit. Chairman Tedford stated they do need better communication with the State in a more timely manner. Secretary Bailey stated he would not support the motion because there had been no action against the beer permit. While Secretary Bailey stated Applebee's response was beautiful corrective action and could even be used as a model for other businesses, beer was still sold twice to a minor with the last year. Mr. Prince stated they have been penalized by the organization that conducted the sting operation. Secretary Bailey stated had the Oak Ridge Police Department conducted the sting operation and there were two offenses for selling beer to a minor, he would move for revocation. Mr. Colverson echoed Secretary Bailey's position against the motion and stated it is a big problem to allow the sale of beer to a minor so how could they not take any action. Mr. Prince stated it was not fair to use them as an example for lack of communication with the State. Mr. Colverson stated there are two systems in place here – a liquor license and a beer permit – that are operated independently by different governments.

Ms. Solmonson stated she sees a difference with this establishment because they have a clear path forward and owned the mistake, which did not happen with last month's show cause hearing.

Mr. Prince stated it is not their practice to sell beer to a minor and for the Board to punish them would be like double jeopardy. Mr. Dalton stated he will speak to his lieutenant about ways to improve communication. Mr. Colverson called the question. The motion failed by a vote of 2 to 4 with Ms. Solmonson and Ms. Williams voting in favor, and Chairman Tedford, Secretary Bailey, Mr. Colverson, and Ms. Scott voting against.

Mr. Colverson moved, seconded by Secretary Bailey, that Applebee's had not shown adequate cause as to why the Board should not take negative action against the beer permit and the motion carried by a vote of 4 to 2 with Chairman Tedford, Secretary Bailey, Mr. Colverson, and Ms. Scott voting in favor, and Ms. Solmonson and Ms. Williams voting against.

Mr. Colverson asked what Mr. Prince's thoughts were about a five day suspension or a \$2,500 civil penalty. Mr. Prince stated he thought \$2,500 was steep and again was concerned about being punished twice.

Mr. Colverson moved, seconded by Secretary Bailey, to impose a five day suspension and to offer a \$2,500 civil penalty in lieu of suspension and the motion carried by a vote of 4 to 2 with Chairman Tedford, Secretary Bailey, Mr. Colverson, and Ms. Scott voting in favor, and Ms. Solmonson and Ms. Williams voting against. Mr. Colverson moved, seconded by Secretary Bailey, to impose the suspension beginning September 30, 2013 and the motion carried by a vote of 4 to 2 with Chairman Tedford, Secretary Bailey, Mr. Colverson, and Ms. Scott voting in favor, and Ms. Solmonson and Ms. Williams voting against.

Mr. Prince stated they would comply but asked that the Board be consistent.

### **NEW / OLD BUSINESS**

(Resumed)

Chairman Tedford moved, seconded by Secretary Bailey, for the staff liaison to formally communicate with the TABC and ask that the City/Board be informed in the future any the results of any TABC operation. Secretary Bailey asked that the motion be amended to ask the TABC to provide records going back five years for results of sting operations. Chairman Tedford was agreeable to that amended language. The motion carried unanimously.

Ms. Scott moved, seconded by Secretary Bailey, to hold a show cause hearing for Lincoln's for the unlawful sale of beverage containing alcohol to a minor and to require Scott Green, Mike Lincoln, and Lisa Green to be present and for the show cause hearing to take place at the next available regularly scheduled meeting of the Board provided the City receives the necessary documentation from the TABC and the motion carried unanimously.

Michael Foster, Allies for Substance Abuse Prevention, handed out ID cards to the Board members. Mr. Foster also introduced Stacy Pratt, Allies for Substance Abuse Prevention, and stated she may be present at future meetings in his absence.

Chairman Tedford stated he would like the staff liaison to look into amending the ordinance to require anyone cited by the TABC to notify the City/Board within ten (10) working days.

Ms. Pouncey, Top Shelf, informed the Board that she conducts training and can give the Board a list of who completed training for each establishment that she trains. She also passed out business cards and asked anyone to call her with questions.

Ms. Scott asked how the Board would go about requiring all owners to take a class prior to receiving the beer permit. Ms. Dunn stated it would require an ordinance amendment. Ms. Scott asked that information be presented at the next meeting on this issue. Mr. Crossno stated it may need to be for managers if the business is larger.

**ADJOURNMENT**

Secretary Bailey moved, seconded by Mr. Colverson, to adjourn the meeting and the motion carried unanimously. Meeting adjourned at 1:45 p.m.

Respectfully submitted,

Barton Bailey, Secretary

**CITY OF OAK RIDGE, TENNESSEE  
APPLICATION FOR SPECIAL EVENT (CLASS E) BEER PERMIT**

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

1. Name of Organization: ST. MARY'S CATHOLIC CHURCH
  
2. Type of Organization (check one and submit proof of such status with the application):
  - Bonafide charitable organization recognized under Section 501(c) of the Internal Revenue Code
  - Bonafide non-profit organization recognized under Section 501(c) of the Internal Revenue Code
  - Bonafide political organization recognized under Tennessee Code Annotated §2-10-101(a) (political campaign committee) or §2-13-101 (political party)
  
3. General Information – Organization:
 

Address of Organization 327 Vermont Avenue Telephone Number 482-2835

Type of Event Fall Festival (fund raiser)

Date(s) of Event 4 and 5 October 2013

Time(s) of Event\* 10 AM to 11 PM (each day — 48 hrs total)

Dates of previous events held within the City of Oak Ridge under a Class E Permit within the past twelve (12) months:  
12-13 October 2012 (Fall Festival) ; 9 February 2013 (ArteGras);  
18 May 2013 (Ulster Project)

Time during which applicant desires to sell/distribute beer: 10 AM - 11 PM, each day  
4 and 5 October 2013

Specific location where beer will be sold/distributed and consumed: Family Life Center,  
Columbus Hall, Rectory (deck)
  
4. Full Name of Individual Responsible for Supervising the Sale/Distribution of Beer During Event:  
John Thomas Slonkas, Business Administrator
  
5. Individual's prior experience selling/serving beer or other alcoholic beverage:  
Previous events in 2013 at St Mary's Catholic Church

\* Time cannot exceed seventy-two (72) hours

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

the Roman Catholic Diocese of Knoxville, 327 Vermont Avenue  
Oak Ridge TN 37830 (865) 483-482-2875

NOTE: If the organization is not the property owner, you must submit a signed and notarized written statement from the property owner giving the organization permission to sell or serve beer on the premises for the event. Include this statement with the application.

If the property owner is the City of Oak Ridge, the written statement is not required; however, prior permission for the event and beer sales/distribution is required before beer can be served regardless of whether a beer permit is obtained. Additionally, the City requires a \$1,000,000 alcohol liability insurance policy naming the City as an additional insured for the event.

7. Has the organization or the individual responsible for supervising beer during the event ever had a liquor license or beer permit suspended, revoked or denied? No

If yes, where and under what business name? N/A

8. Has the organization or the individual responsible for supervising beer during the event 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.

9. 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.

Church: St Mary's Catholic Church, 327 Vermont Ave, Oak Ridge TN, 37830

School: St Mary's Catholic School, same as above

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

Persons desiring to drink/purchase beer will produce/  
provide valid ID at door. Wrist bands (nonremovable)  
will be issued and placed on wrist

11. Are you requesting any exceptions to the Required Control Measures for Special Occasion Beer Permits as approved by the Oak Ridge Beer Permit Board? If so, please explain:

For those persons over 30 (obviously), request that  
wearing/use of wrist band be waived.

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 applicant is of good moral character and has 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 official of the organization has been convicted of driving under the influence within the past ten (10) years.
- Unlawful gambling and gaming devices will not be allowed during the event.
- 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.
- Persons under the age of twenty-one (21) will not be directly employed in the sale/distribution of beer.
- 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 event 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 change occur in this application prior to the expiration of the Class E Permit, the City's Legal Department will be notified at 425-3530 as soon as possible.
- 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 at the event that is easily seen by patrons, if available, and if not it shall be on site for inspection.
- 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 the event 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 (hereinafter the "City") 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 as stated above.

This the 5<sup>th</sup> day of August, 2013.

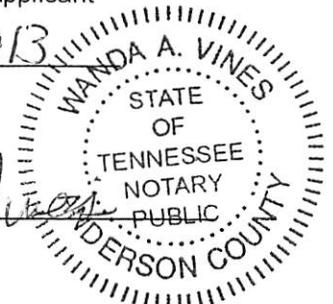
John T. Blankens  
Signature of Applicant

Sworn to and subscribed before me this 5<sup>th</sup> day of August, 2013.

My commission expires: \_\_\_\_\_

My Commission Expires  
September 26, 2015

Wanda A. Vines  
Notary Public



CITY OF OAK RIDGE, TENNESSEE  
APPLICATION FOR SPECIAL EVENT (CLASS E) BEER PERMIT

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

1. Name of Organization: Free Medical Clinic of Oak Ridge

2. Type of Organization (check one and submit proof of such status with the application):

- Bonafide charitable organization recognized under Section 501(c) of the Internal Revenue Code
- Bonafide non-profit organization recognized under Section 501(c) of the Internal Revenue Code
- Bonafide political organization recognized under Tennessee Code Annotated §2-10-101(a) (political campaign committee) or §2-13-101 (political party)

3. General Information – Organization:

Address of Organization 320 Robertsville Rd Telephone Number 483-3904

Type of Event Taste of Oak Ridge

Date(s) of Event Sept. 28, 2013

Time(s) of Event\* 5pm - 10 pm

Dates of previous events held within the City of Oak Ridge under a Class E Permit within the past twelve (12) months:

Sept 28 2012

Time during which applicant desires to sell/distribute beer: \_\_\_\_\_

4:30pm - 9:45pm

Specific location where beer will be sold/distributed and consumed: \_\_\_\_\_

parking lot of Jackson Square

4. Full Name of Individual Responsible for Supervising the Sale/Distribution of Beer During Event:

Robert Bardorf

5. Individual's prior experience selling/serving beer or other alcoholic beverage:

4 other Taste of Oak Ridge Events

\* Time cannot exceed seventy-two (72) hours

6. Name, mailing address and telephone number of the property owner, if other than the business owner:  
City of Oak Ridge, P.O. Box 1, Oak Ridge, TN 37830

NOTE: If the organization is not the property owner, you must submit a signed and notarized written statement from the property owner giving the organization permission to sell or serve beer on the premises for the event. Include this statement with the application.

If the property owner is the City of Oak Ridge, the written statement is not required; however, prior permission for the event and beer sales/distribution is required before beer can be served regardless of whether a beer permit is obtained. Additionally, the City requires a \$1,000,000 alcohol liability insurance policy naming the City as an additional insured for the event.

7. Has the organization or the individual responsible for supervising beer during the event ever had a liquor license or beer permit suspended, revoked or denied? no

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

8. Has the organization or the individual responsible for supervising beer during the event 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.

9. 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.

Church: Chapel on the Hill (United Church)  
School: Oak Ridge Preschool - Jefferson Jr. High

10. Describe steps which will be taken to prevent the sale of beer to persons under twenty-one (21):  
ID wrist bands for people who show proof of being born after 9-28-1992. Volunteers will only sell beer to individuals with a wrist band.

11. Are you requesting any exceptions to the Required Control Measures for Special Occasion Beer Permits as approved by the Oak Ridge Beer Permit Board? If so, please explain:

no

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 applicant is of good moral character and has 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 official of the organization has been convicted of driving under the influence within the past ten (10) years.
- Unlawful gambling and gaming devices will not be allowed during the event.
- 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.
- Persons under the age of twenty-one (21) will not be directly employed in the sale/distribution of beer.
- 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 event 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 change occur in this application prior to the expiration of the Class E Permit, the City's Legal Department will be notified at 425-3530 as soon as possible.
- 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 at the event that is easily seen by patrons, if available, and if not it shall be on site for inspection.
- 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 the event 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 (hereinafter the "City") 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 as stated above.

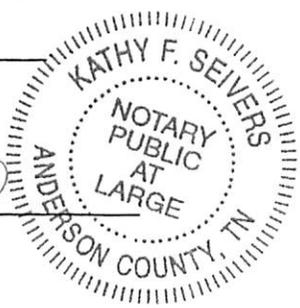
This the 23 day of August, 2013.

*[Handwritten Signature]*  
Signature of Applicant

Sworn to and subscribed before me this 23<sup>rd</sup> day of August, 2013

My commission expires: 04-26-14.

*[Handwritten 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-ownership change
- existing permit-change location
- existing permit-additional permit type

2. Name under which business will operate: ROCKY TOP MARKET #905

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: 20 Jefferson Ave. 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. 481-3247

5. Proposed date business will open under this ownership: 8-31-13

6. Full Name of Applicant (Owner or Owner's Agent/Representative):  
Lenigh Gas-Ohio, LLC

7. Applicant's prior experience selling/serving beer or other alcoholic beverage:  
We hold Beer / Liquor Licenses in several different states.

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: JIM GARDNER

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: Rebecca Anderson  
702 W Hamilton St. Suite 203 Allentown PA 18101

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

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

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

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? 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.

The Church of Jesus Christ of Latter Day Saints Jefferson Cir. Oak Ridge  
Willow Brook Elementary School Robertsville Rd. Oak Ridge, TN

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

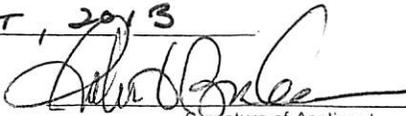
NOTE: In accordance with Tennessee Code Annotated §57-5-103(d), all beer permit holders must provide documentation that they are duly registered for sales tax purposes. A copy of the sales tax registration certificate must be submitted with this application or within ten (10) days after being issued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

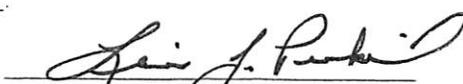
I hereby release, absolve and hold harmless the City of Oak Ridge, the Oak Ridge Beer Permit Board, the Oak Ridge Police Department, its employees, agents and representatives from any and all liability of whatever type for any damages, causes of action, personal property injuries which may result as 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 19<sup>th</sup> day of August, 2013

  
Signature of Applicant

Sworn to and subscribed before me this 19<sup>th</sup> day of August, 2013.

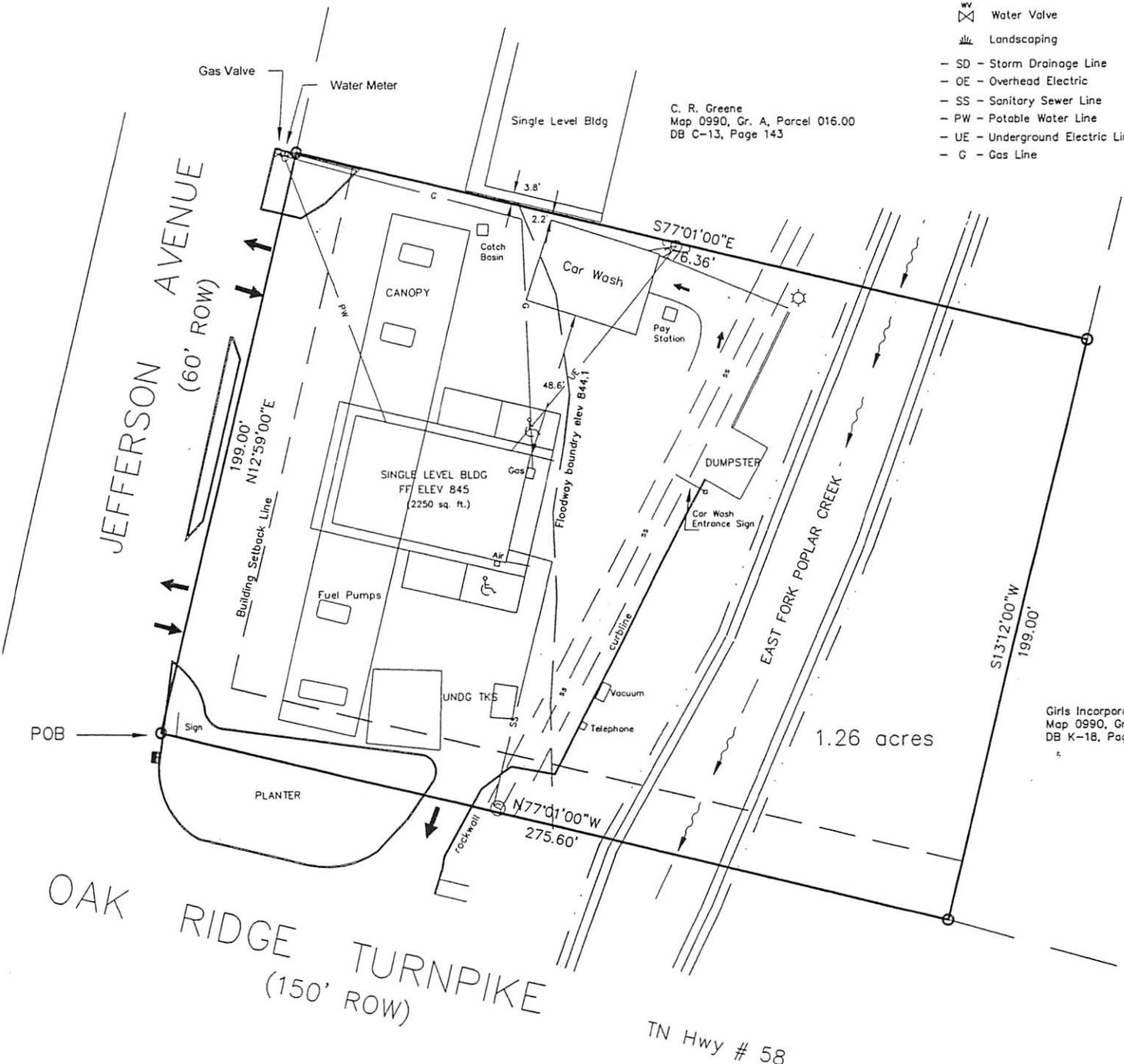
My commission expires: 2/18/15

  
Notary Public



SYMBOLS USED

- Iron Rod (found)
- ⊕ Utility Pole
- ⊙ Sanitary Sewer Manhole
- ⊕ Water Shutoff
- ☆ Light
- ⊠ Curb Inlet
- ⊗ Water Valve
- ⊔ Landscaping
- SD - Storm Drainage Line
- OE - Overhead Electric
- SS - Sanitary Sewer Line
- PW - Potable Water Line
- UE - Underground Electric Line
- G - Gas Line



C. R. Greene  
 Map 0990, Gr. A, Parcel 016.00  
 DB C-13, Page 143

Girls Incorporat  
 Map 0990, Gr.  
 DB K-18, Page  
 5

GRAPHIC SCALE



( IN FEET )  
 1 inch = 50 ft.

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 Rocky TOP MARKET # 905  
Business Address 20 JEFFERSON AVE. OAK RIDGE TN 37830
2. Manager's Full Name REGINA SUE JETT
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:  
TIMS MARKET - TENNESSEE AVE  
OAKRIDGE, TN
5. Manager's Work History:  
How long have you been employed at the business? 8 1/2 YEARS  
Date you became Manager: 2010  
Name of Previous Manager: JUDD GARRETT Date left: DEC. 2008  
Previous Employment for the past ten (10) years (name of business, address, length of employment, position held). Attach additional sheets if necessary:  
Tim's MARKET - TN AVE. OAKRIDGE, TN
6. Beer Permit History:  
Have you ever been employed at an establishment with a beer permit? YES  
If so, where and when: 20 JEFFERSON AVE OAK, TN 2010 - to PRESENT  
Have you ever been a manager of an establishment with a beer permit? YES  
Have you ever had a beer permit refused, suspended or revoked? NO  
If so, where and when: \_\_\_\_\_
7. Manager's Criminal History:  
Have you ever been convicted of any violation of federal laws, state statutes, or city ordinances involving the possession, sale, manufacture or transportation of intoxicating liquors, drugs or narcotics, or of a crime of moral turpitude with the past ten years? NO  
If so, provide details of the offense and when you were convicted: \_\_\_\_\_
8. Describe steps which will be taken to prevent the sale of beer to persons under twenty-one (21):  
ID - EVERYONE  
FOLLOW STATE GUIDELINES



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 19th day of August 2013

Signature of Applicant [Signature]

Sworn to and subscribed before me this 19th day of August 2013

My commission expires: 2/18/15

[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: Rocky Top Market #903

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: 1190 Oak Ridge Turnpike.

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: 865-482-5259
5. Proposed date business will open under this ownership: 8/31/12

6. Full Name of Applicant (Owner or Owner's Agent/Representative):  
Lehigh Gas-Ohio, LLC

7. Applicant's prior experience selling/serving beer or other alcoholic beverage:  
we hold Beer/Liquor Licenses in several different states.

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: JIM GARDNER

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: Rebecca Anderson  
702 W Hamilton St. Suite 203 Allentown PA 18101

11. Describe the nature of the business (ex. restaurant, bar, tavern, club, convenience store, etc.)  
Convenience Store w/ gas

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

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

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? NO  
If yes, explain: \_\_\_\_\_

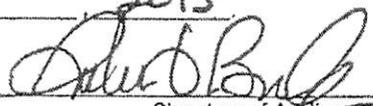
17. Name and address of the nearest church and school. By City Code §8-705, the Beer Board shall not approve a beer permit where, in the opinion of the board, such sale would interfere with schools, churches or other places of public gathering.  
St. Marys Catholic Church 327 Vermont Ave  
St. Marys School 323 Vermont Oak Ridge TN 37830

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

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.

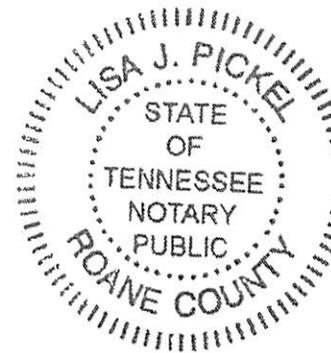
- Every statement in this application is true and correct, and if any statement therein is false, the permit issued thereto may be revoked by the Beer Board, after notice of a hearing, in which event the burden shall be on the applicant to prove the correctness of all statements in the application.
- 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.

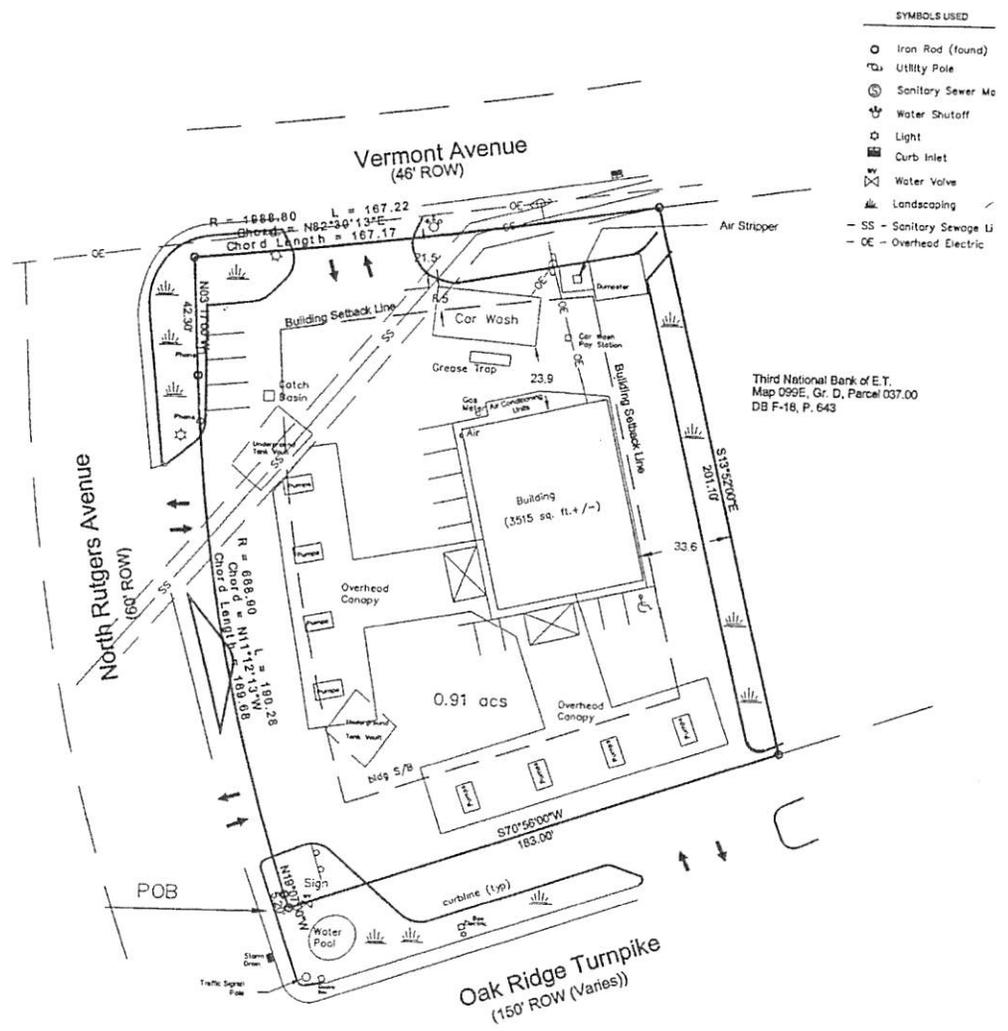
I hereby release, absolve and hold harmless the City of Oak Ridge, the Oak Ridge Beer Permit Board, the Oak Ridge Police Department, its employees, agents and representatives from any and all liability of whatever type for any damages, causes of action, personal property injuries which may result as 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 19<sup>th</sup> day of August, 2013  
  
 Signature of Applicant

Sworn to and subscribed before me this 19<sup>th</sup> day of August, 2013  
 My commission expires: 2/18/13

  
 Notary Public





GRAPHIC SCALE



( IN FEET )  
 1 inch = 50 ft.

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 Rocky Top Market # 903  
Business Address 1190 Oak Ridge Turnpike, Oak Ridge TN 37830
2. Manager's Full Name JUDD GARRETT
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:  
WORKED AT ROCKY TOP MARKET # 6  
20 JEFFERSON AVE. OAK RIDGE
5. Manager's Work History:  
How long have you been employed at the business? 4 YEARS  
Date you became Manager: DEC. 2007  
Name of Previous Manager: LUCAS KIRKHAM Date left: DEC. 2007  
Previous Employment for the past ten (10) years (name of business, address, length of employment, position held). Attach additional sheets if necessary:  
ADVISOR WIRELESS - KENTUCKY ST. KINGSTON, TN 2 yrs - OWNER - Aug. 2006 - Sept 2008  
US Cellular - Turkey Creek Knoxville 9 yrs - SALESMAN 1999 - 2006
6. Beer Permit History:  
Have you ever been employed at an establishment with a beer permit? YES  
If so, where and when: 20 JEFFERSON AVE. OAK RIDGE  
Have you ever been a manager of an establishment with a beer permit? YES  
Have you ever had a beer permit refused, suspended or revoked? NO  
If so, where and when: \_\_\_\_\_
7. Manager's Criminal History:  
Have you ever been convicted of any violation of federal laws, state statutes, or city ordinances involving the possession, sale, manufacture or transportation of intoxicating liquors, drugs or narcotics, or of a crime of moral turpitude with the past ten years? NONE  
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):  
ASK FOR ALL ID'S. USE ALL STATE GUIDELINES  
\_\_\_\_\_  
\_\_\_\_\_

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 19<sup>th</sup> day of August, 2013

[Signature]  
Signature of Applicant



Sworn to and subscribed before me this 19<sup>th</sup> day of August, 2013

My commission expires: 2/18/15

[Signature]  
Notary Public

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

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

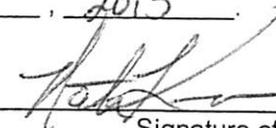
1. Business Name APPLEBEES  
Business Address 1213 OAK RIDGE TURNPIKE
  
2. Manager's Full Name NATHAN ANDREW KECK
  
3. Request is made as (check which applies):  
Additional Manager \_\_\_\_\_ Replacement of Prior Manager
  
4. Manager's prior experience selling/serving beer or other alcoholic beverage:  
APPLEBEES MANAGER / GENERAL MANAGER SINCE 2005
  
5. Manager's Work History:  
How long have you been employed at the business? APPLEBEES - JAN 2000  
Date you became Manager: JAN 2005  
Name of Previous Manager: AMY GIBSON (STEELE) Date left: UNKNOWN  
Previous Employment for the past ten (10) years (name of business, address, length of employment, position held). Attach additional sheets if necessary):  
APPLEBEES - CENTRAL AVE KNOXVILLE, TN 2 YEARS  
APPLEBEES - 2564 ALCOA HWY ALCOA, TN 37701 8 YEARS
  
6. Beer Permit History:  
Have you ever been employed at an establishment with a beer permit? YES  
If so, where and when: PREVIOUS EMPLOYMENT (ABOVE)  
Have you ever been a manager of an establishment with a beer permit? YES  
Have you ever had a beer permit refused, suspended or revoked? NO  
If so, where and when: \_\_\_\_\_
  
7. Manager's Criminal History:  
Have you ever been convicted of any violation of federal laws, state statutes, or city ordinances involving the possession, sale, manufacture or transportation of intoxicating liquors, drugs or narcotics, or of a crime of moral turpitude with the past ten years? NO  
If so, provide details of the offense and when you were convicted:  
\_\_\_\_\_
  
8. Describe steps which will be taken to prevent the sale of beer to persons under twenty-one (21):  
WE NOW REQUIRE THAT ALL ALCOHOL PURCHASES MUST BE PURCHASED WITH A VALID FORM OF ID. IN ADDITION, ALL SERVERS/BARTENDERS ARE REQUIRED TO CARRY AN ID CARD OVERLAY ON THE POS (THAT SERVERS RING IN ORDERS ON) THE DATE OF BIRTH MUST BE RANG IN BEHIND THE DRINK FOR EACH GUEST. THE BARTENDED5 ARE NOT ALLOWED TO MAKE A DRINK WITHOUT THE DATE OF BIRTH ENTERED ON THE TICKET. ANY VIOLATIONS OF THESE.

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.

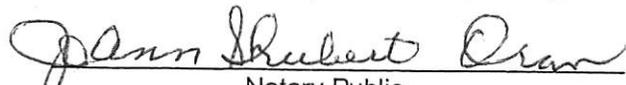
I hereby release, absolve and hold harmless the City of Oak Ridge, the Oak Ridge Beer Permit Board, the Oak Ridge Police Department, its employees, agents and representatives from any and all liability of whatever type for any damages, causes of action, personal property injuries which may result as 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.

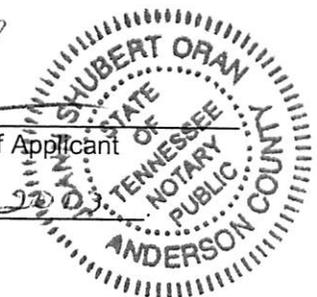
This the 26<sup>TH</sup> day of AUGUST, 2013.

  
\_\_\_\_\_  
Signature of Applicant

Sworn to and subscribed before me this 26<sup>TH</sup> day of AUGUST, 2013.

My commission expires: JAN 27, 2014.

  
\_\_\_\_\_  
Notary Public



## SHOW CAUSE HEARING # 2013-05

### Show Cause Hearing # 2013-05

**Lincoln's Sports Grille**

**119 S. Illinois Avenue**

**Class "C" Beer permit # 1406, Approved: 8/9/10**

**Class "B" (Catering) Beer Permit #1439, Approved: 11/14/11**

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

**Manager: Lisa Green (Approved 4/8/13)**

At the August 12, 2013 meeting, the Oak Ridge Beer Permit Board unanimously voted to hold a Show Cause Hearing for Lincoln's regarding the sale of beer to a minor occurring on March 18, 2013 as part of a minor compliance check conducted by the Tennessee Alcoholic Beverage Commission (TABC). The vote included a requirement that the following persons to be present at the hearing: Scott Green, Mike Lincoln, and Lisa Green. The notice of the Show Cause Hearing was hand-delivered by Sergeant Victor Owen, Oak Ridge Police Department, to Sara Keenan, Manager, on August 21, 2013. A copy of the notice is attached and labeled as Exhibit A (One Page).

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

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

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

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

By City Code §8-712(9), prior suspensions and other disciplinary actions taken by the Board against a permittee may be considered by the Board for a determination of disciplinary action in any show cause hearing. A review of the beer permit file revealed no prior suspensions or disciplinary actions against Lincoln's for the Board to consider. [Note: Previous show cause hearing on March 11, 2013 did not result in any negative action. The Board unanimously agreed that Lincoln's had shown sufficient cause as to why negative action should not be taken against the beer permit.]

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 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. \$1,000 per violation for non-sales to minors). 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 action(s) and specific as to the grounds for your action(s).

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.

# CITY OF OAK RIDGE



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

August 21, 2013

Lisa Green, Manager  
Lincoln's Sports Grille  
119 S. Illinois Avenue  
Oak Ridge, Tennessee 37830

Re: Show Cause Hearing #2013-05 – September 9, 2013 – Notice to Appear

Ms. Green,

On August 12, 2013, the Oak Ridge Beer Permit Board unanimously voted to hold a Show Cause Hearing for Lincoln's in response to communication the Board received from the Tennessee Alcoholic Beverage Commission (TABC) regarding a sale of beer to a minor (under the age of twenty-one) in violation of Tennessee Code Annotated §57-4-203(b)(1)(B) occurring on March 18, 2013. According to the TABC, the employee who served beer to the minor was Jordan Hutchison.

The Show Cause Hearing has been set for **Monday, September 9, 2013**, immediately following the regular meeting of the Board which begins at 12:00 noon. The meeting and the show cause hearing will both take place in the Training Room (Room 104) of the City's Municipal Building located at 200 S. Tulane Avenue. By City Code §8-712(1)(a), the Board has authority to revoke or suspend the beer permit for the sale of beer to a minor or impose a civil penalty up to \$2,500.00 in lieu of suspension. **As part of the vote to call the show cause hearing, the Board also required the following persons to be present at the hearing: Edward Scott Green, Mike Lincoln, and yourself.**

The show cause hearing will be Lincoln's opportunity to explain to the Board why negative action should not be taken against the beer permit. If you wish to do so, please provide me with a written response to the hearing no later than August 30, 2013 for inclusion in the Board's agenda packet. This response can be any information you 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.

You have 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 you any legal advice or representation regarding the show cause hearing.

Sincerely,

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

Delivered to: Lincoln's

Left the original with: SARA R. KEEMAN (MANAGER)

Oak Ridge Police Department

8-21-2013

Date

STATE OF TENNESSEE  
ALCOHOLIC BEVERAGE COMMISSION  
CITATION

5/24/13

# 1000140

\$1500.00

NVL

PAID

FYI

To: Lincoln's Sports Grille  
119 South Illinois Ave  
Oak Ridge, TN 37830

Permit # 18079

RI 13-0314

TABC Report Date: 3-21-13

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

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

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

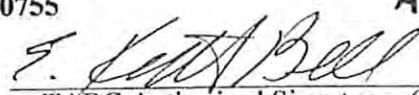
B. AGREEMENT: If you do not wish to contest the violation(s), you may agree to settle by accepting these particular terms: \$ 1500.00 Fine.

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

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

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

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

  
\_\_\_\_\_  
TABC Authorized Signature (Date)

APR 26 2013

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

DATE: 3/21/2013

RI: 13-0314

TO: Mark Hutchens - CLEO

FROM: SA Wade Hurst

**BUSINESS NAME:** Lincoln's Sports Grille  
**ADDRESS:** 119 South Illinois Avenue  
**CITY/ZIP:** Oak Ridge, Tn. 37830  
**LICENSE NO.:** 18,079  
**EXPIRATION DATE:** March 14, 2013  
**MANAGER/CLERK: (ON DUTY):** Michelle Hoffman

**STATE LAWS:**

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

**RULES & REGULATIONS:****Liquor By the Drink:**

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

**Private Club:**

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

**Caterer:**

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

**Special Occasion Permits:**

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

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

Lincoln's Sports Grille  
119 South Illinois Avenue  
Oak Ridge, Tn. 37830  
Permit # 18,079

RI-13-0314

**Sales to Minors Prohibited TCA 57-4-203 (b) (1) (B) {Beer}**

On March 18, 2013 TABC Agents Dalton and Hurst conducted a minor compliance check at Lincoln's Sports Grille in Oak Ridge.

On this date at approximately 7:15pm a CI (I-13-0004c) who is nineteen (19) years of age, DOB 07/06/1993, entered Lincoln's Sports Grille while monitored by Agent Dalton, ordered and was served a beer by employee Jordan Hutchison, who did not check the CI's identification. Jordan Hutchison was issued a citation by Agent Dalton and is scheduled to appear in General Sessions Court of Anderson County on March 25, 2013.

Lincoln's Sports Grille is in violation of the aforementioned statute that states: Any licensee engaging in business regulated hereunder or any employee thereof who sells, furnishes, disposes of, gives or causes to be sold, furnished, disposed of, or given any beer or malt beverage as defined in 57-6-102 to any person under twenty-one (21) years of age is guilty of a Class A Misdemeanor.

Attachments:

Citation

Picture of Cadet

Case Time

Previous Violations

COURT DATE EXHIBIT B COMPLAINT - AFFIDAVIT AGENCY TABC I.D. NO. 091800

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES: NAME (FIRST) Jordan (MIDDLE) Michael (LAST) Hutchison DATE OF BIRTH MO. RACE W SEX M ADDRESS CITY STATE TN ZIP CODE SOCIAL SECURITY NUMBER DRIVER LICENSE NUMBER CLASS/TYPE LICENSE D STATE TN EXPIRATION DATE TELEPHONE NUMBER

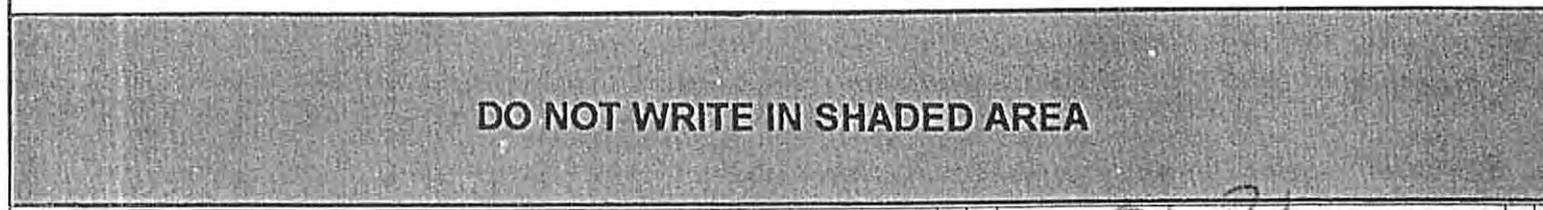
DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE: MAKE MODEL YEAR COLOR LICENSE PLATE NUMBER STATE YEAR

UPON STREET/HIGHWAY S.R. # TRAVEL DIR. M.M. # CITY/COUNTY HIGHWAY TYPE AREA BUSINESS SCHOOL RES. RURAL

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE: 01 SPEEDING MPH IN SPEED LIMIT 02 RECKLESS DRIVING 20 03 TRAFFIC CONTROL DEVICE 22 OTHER: T.C.A. 57-4-203 ORDINANCE: Sale to A Minor

On March 18, 2013 at approximately 7:00 pm the Tennessee Alcoholic Beverage Commission conducted a minor compliance operation at Lincoln Sports Grill 119 S. Illinois Avenue Oak Ridge, Tennessee. The District served a Bud Light Draft Beer to a confidential informant. The minor identifier was not checked by the defendant. The informant's state of Tennessee driver's license shows that her date of birth (07-06-1993 age 19). The above incident occurred in Anderson County.

THE UNDERSIGNED FURTHER STATES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH, CONTRARY TO LAW. THIS 18 DAY OF March 2013 TIME 7:16 PM Special Agent David D. H. 324



COURT IN THE 1 GENERAL SESSIONS COURT OF ANDERSON COUNTY NO. IN THE CITY OF Oak Ridge NO. 2 JUVENILE COURT COURT ON Mon THE 25 DAY OF March 2013 TIME 9 AM

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

LEGAL DEPARTMENT MEMORANDUM

13-32

DATE: August 26, 2013

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

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

SUBJECT: NEW/OLD BUSINESS – REPORT FROM TENNESSEE ALCOHOLIC BEVERAGE COMMISSION: VIOLATION HISTORY ON BEER-PERMITTED AND LIQUOR-LICENSED ESTABLISHMENTS IN OAK RIDGE; DOCUMENTATION ON REMAINING ESTABLISHMENTS THAT SOLD BEER TO A MINOR AS PART OF THE STATE’S MINOR COMPLIANCE OPERATION ON MARCH 18, 2013

At the August 12, 2013 Beer Board meeting, the Board made three requests pertaining to the Tennessee Alcoholic Beverage Commission: (1) to obtain a five-year violation history on liquor licensed establishments, (2) to obtain documentation on the businesses that sold beer to a minor as part of the Tennessee Alcoholic Beverage Commission’s minor compliance operation conducted on March 18, 2013, and (3) to receive results of future Tennessee Alcoholic Beverage Commission operations. This memorandum provides the requested information.

Five-Year Violation History

At the request of the Board, the Legal Department requested and obtained historical data from the Tennessee Alcoholic Beverage Commission on violations by beer-permitted and liquor-licensed establishments in Oak Ridge. The documentation received is attached (yellow highlight added). While the Board asked for a five-year history, you will see on the attachment the Tennessee Alcoholic Beverage Commission supplied data beyond that timeframe.

What prompted the request from the Board was information revealed during the show cause hearing for Applebee’s. During this hearing, the Board became aware of other establishments that sold beer to a minor as part of the Tennessee Alcoholic Beverage Commission conducted minor compliance operation on March 18, 2013. During this hearing, the Board became aware that information on Applebee’s was given to the City/Board as part of the pilot program established by Tennessee Code Annotated §57-4-202(c) authorizing the Tennessee Alcoholic Beverage Commission to notify local beer boards when the Tennessee Alcoholic Beverage Commission suspends a liquor license for certain violations. In the case of Applebee’s, the liquor license was suspended because the violation was a second offense. The other establishments were first time offenders which did not result in a suspension by the Tennessee Alcoholic Beverage Commission and, therefore, no notification to the City/Board. Since the sale of beer to a minor is what prompted the request by the Board, specific information on this offense is provided.

The attached spreadsheet shows the following violations for sales to a minor (shown in the order they appear on the attachment):

- Ruby Tuesday – 2013
- Applebee’s – 2012 and 2013
- Hacienda DeGollado – 2013
- Buffalo Mountain Wings (Grille) – 2011

- Hidalgo Mexican Restaurant – 2013
- Lincoln's Sports Grille – 2013
- Riverside Grille – 2012
- Aubrey's – 2013
- Moose Lodge – 2013

Documentation of Remaining Establishments that Sold Beer to a Minor on March 18, 2013

At the request of the Board, the Legal Department requested and obtained information from the Tennessee Alcoholic Beverage Commission on remaining establishments that sold beer to a minor as part of the Tennessee Alcoholic Beverage Commission's minor compliance operation on March 18, 2013. [Note – The Board has already received documentation for Applebee's and Lincoln's.]

Attached are nineteen (19) pages of documentation on the remaining five (5) businesses. Specific detail on each business is provided below:

*Aubrey's*

The attachment contains four (4) pages for Aubrey's. On March 18, 2013, Cody Brooks checked the underage (19 year old) confidential informant's identification and then served the underage informant a Bud Light draft beer. Aubrey's paid the State \$1500.00 for the violation. It was a first offense for sale of beer to a minor.

*Hacienda DeGollado*

The attachment contains four (4) pages for Hacienda DeGollado. On March 18, 2013, Abel Bonales did not check the underage (19 year old) confidential informant's identification and served the underage informant a Miller Lite bottled beer. Hacienda DeGollado paid the State \$1,500.00 for the violation. It was a first offense for sale of beer to a minor.

*Hidalgo Mexican Restaurant*

The attachment contains four (4) pages for Hidalgo Mexican Restaurant. On March 18, 2013, Jose Medina checked the underage (19 year old) confidential informant's identification and then served the underage informant a Bud Light draft beer. According to the information received, Hidalgo Mexican Restaurant's case is still pending with the State. It was a first offense for sale of beer to a minor.

*Moose Lodge*

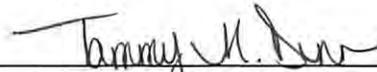
The attachment contains four (4) pages for Moose Lodge. On March 18, 2013, Aaron Marsh did not check the underage (19 year old) confidential informant's identification and sold the underage informant a Bud Light bottled beer. Moose Lodge paid the State \$2,000.00 for the violation. It was a first offense for sale of beer to a minor, however, another violation was found at the same time which may be the reason for the higher fine.

*Ruby Tuesday*

The attachment contains three (3) pages for Ruby Tuesday. On March 18, 2013, an employee checked the underage (19 year old) confidential informant's identification and then sold the underage informant a Bud Light draft beer. Ruby Tuesday paid the State \$1,500.00 for the violation. It was a first offense for sale of beer to a minor. [Note: Employee information is redacted as that record has been expunged.]

Future TABC/City/Board Communications

At the request of the Board, the Legal Department formally communicated with the Tennessee Alcoholic Beverage Commission requesting the City/Board be notified of the results of any future Tennessee Alcoholic Beverage Commission operations. The Legal Department contacted Terry Hill, Special Agent in Charge, with the Knoxville District of the Tennessee Alcoholic Beverage Commission. The Board will be advised of the Tennessee Alcoholic Beverage Commission's response when received.



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Tammy M. Dunn

Attachments: Three-Page Historical Data Spreadsheet from TABC (Yellow Highlight Added)  
Nineteen-Page Document from TABC on Remaining March 18, 2013 Violations

Permit #	Establishment	Address	City, State	Type	Owner	RI #	Violation	Status
18024	New China Palace	695 Melton Lake Drive	Oak Ridge, TN	Restaurant	Chung-Nan Chou & Fu-Li Chou	00-0965	Employee Permit	Paid
						01-1167	Late Renewal	Paid
						10-0615	Employee Permit	Paid
						12-0650	Manager Questionnaire/Fail to Cooperate	Paid
						13-0051	Late Renewal	Paid
18045	Doubletree Oak Ridge	215 S. Illinois Avenue	Oak Ridge, TN	Hotel	Garden Plaza Oak Ridge, LP	02-0324	Employee Permit/Manager Questionnaire	Paid
						06-1147	Manager Questionnaire	Paid
						07-0564	Late Renewal	Paid
						08-0333	Manager Questionnaire	Paid
						08-0517	Late Renewal	Paid
						12-1095	Employee Permit (2 counts)	Paid
18046	Red Lobster #0702	359 S. Illinois Avenue	Oak Ridge, TN	Restaurant	GMRI, Inc.	98-0282	Failure to Post Sign/Display License	Paid
						98-0449	Manager Questionnaire	Paid
						01-0419	Manager Questionnaire	Paid
						06-0351	Employee Permit/Manager Questionnaire	Paid
						06-1146	Manager Questionnaire/Fail to Cooperate	Paid
						07-0581	Manager Questionnaire/Fail to Cooperate	Paid
						07-1035	Manager Questionnaire/Fail to Cooperate	Paid
						08-0620	Manager Questionnaire	Paid
						09-0484	Employee Permit	Paid
						10-0545	Manager Questionnaire	Paid
						18054	Ruby Tuesday's #2680	375 S. Illinois Avenue
02-0323	Employee Permit	Paid						
05-0343	Manager Questionnaire	Dismissed						
07-0752	Health Inspection	Warning						
07-1447	Employee Permit	Paid						
10-0614	Employee Permit	Paid						
12-0457	Employee Permit (2 counts)	Paid						
13-0319	Sale to a Minor	Paid						
18059	Applebee's Neighborhood Bar & Grill	1213 Oak Ridge Turnpike	Oak Ridge, TN	Restaurant	Quality Restaurant Concepts, LLC			
						00-0966	Employee Permit	Paid
						02-0237	Employee Permit	Dismissed
						02-0541	Manager Questionnaire	Paid
						03-0053	Failure to Post Signage	Paid
						06-0584	Manager Questionnaire	Paid
						07-0129	Manager Questionnaire	Paid
						09-0134	Employee Permit	Paid
						09-1475	Employee Permit	Paid
						11-0971	Manager Questionnaire	Paid
						12-0241	Sale to a Minor	Paid
						13-0315	Sale to a Minor	Paid
						18066	El Cantarito Mexican Restaurant	191 S. Tulane Avenue
03-1109	Late Renewal	Open						
04-0668	Employee Permit	Paid						
04-1144	Employee Permit/Manager Questionnaire	Paid						
05-0087	Late Renewal	Paid						
07-0821	Employee Permit	Paid						
07-1077	Employee Permit	Open						
07-1078	Perjury	Open						
08-1797	Late Renewal	Paid						
11-1333	Late Renewal	Paid						

18072	Hacienda Degollado	212 S. Illinois Avenue	Oak Ridge, TN	Restaurant	Hacienda Degollado, LLC	13-0318	Sale to a Minor	Paid
18076	Buffalo Mountain Wings	205 Oak Ridge Turnpike	Oak Ridge, TN	Restaurant	Ernest F Phillips II	10-0392	Late Renewal	Paid
						11-0079	Sale to a Minor	Paid
						11-0981	Manager Questionnaire	Paid
						12-0168	Late Renewal	Paid
						13-0163	Late Renewal	Open
18077	Hidalgo Mexican Restaurant	299 Oak Ridge Turnpike	Oak Ridge, TN	Restaurant	Judy Ortiz, Inc.	10-0627	Tax Violation	Paid
						10-1349	Late Renewal	Paid
						11-1332	Late Renewal	Paid
						11-1483	Tax Violation	Paid
						12-1264	Late Renewal	Open
						13-0316	Sale to a Minor	Open
						18079	Lincoln's Sports Grille	119 S. Illinois Avenue
						11-0494	Late Renewal	Paid
						12-0483	Late Renewal	Paid
						12-0603	Failure to Cooperate	Paid
						13-0314	Sale to a Minor	Paid
99351	Oak Ridge Country Club	150 Gum Hollow Road	Oak Ridge, TN	Private Club	Oak Ridge Country Club, Inc.	99-0322	Failure to Increase Bond	Paid
						03-0844	Manager Questionnaire	Paid
						03-1067	Serving Non-Member	Paid
						06-0039	Manager Questionnaire	Paid
						06-0161	Late Renewal	Paid
						07-0068	Manager Questionnaire	Paid
						10-0431	Late Renewal	Paid
						12-0343	Late Renewal	Dismissed
						13-0260	Late Renewal	Dismissed
						18081	Outback Steakhouse #4326	402 S. Illinois Avenue
18083	Rancho Viejo Mexican Grill	1140 Oak Ridge Turnpike	Oak Ridge, TN	Restaurant	G & H Partnership	12-0966	Late Renewal	Paid
18084	Riverside Grille	100 Melton Lake Peninsula	Oak Ridge, TN	Restaurant	Waterview Concepts, LLC	12-0242	Sale to a Minor	Paid
						12-0674	Failure to Disclose True Ownership	Paid
			<i>Formerly known as Flatwater Grill</i>					
18085	Market House at Jackson Square	80 E. Tennessee Avenue	Oak Ridge, TN	Restaurant	The Market House, LLC	12-1040	Tax Violation	Paid
18086	Aubrey's Oak Ridge	481 S. Illinois Avenue	Oak Ridge, TN	Restaurant	Aubrey's, Inc.	13-0317	Sale to a Minor	Paid
98308	Riverside Grille	100 Melton Lake Peninsula	Oak Ridge, TN	Catering	Waterview Concepts, LLC	No violations to report		
98310	Birdwell Catering	182 Midway Lane	Oak Ridge, TN	Catering	Birdwell Catering, Inc.	No violations to report		
						<i>Formerly known as Manny's Catering</i>		
99334	Eagles Post #2514	1650 Oak Ridge Turnpike	Oak Ridge, TN	Private Club	Fraternal Order of Eagles	99-0387	Failure To Cooperate	Paid
						02-0003	Giving Away Liquor/Serving Non-Members	Paid
						02-0236	Gambling Devices	Paid
						02-0795	Manager Questionnaire/Gambling Devices	Paid
						03-0080	Manager Questionnaire/Fail to Cooperate	Paid
						03-1066	Employee Permit	Paid
						06-0097	Late Renewal	Dismissed
						07-0067	Manager Questionnaire/Late Renewal	Paid
						08-0155	Late Renewal	Paid
						08-1729	Display of License/Complete Membership	Paid
						09-0519	Tax Delinquency	Paid
						09-1136	Tax Violation	Dismissed

11-0078	Late Renewal	Paid
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99362	Elks Lodge #1684	684 Emory Valley Road	Oak Ridge, TN	Private Club	Benevolent & Protective Order of Elks	03-0668	Late Renewal	Paid
						07-1120	Late Renewal	Paid
						08-0194	Gambling Devices	Open
						11-0970	Late Renewal	Dismissed

99400	Moose Lodge #1316	103 N. Jefferson Circle	Oak Ridge, TN	Private Club	Loyal Order of Moose	00-0391	Serving to Non-Members	Open
						02-0876	Manager Questionnaire	Warning
						03-0982	Gambling Devices	Paid
						12-0649	Employee Permit	Paid
						12-1430	Late Renewal	Paid
						13-0313	Sale to a Minor	Paid

99419	AmVets Post #2	1828 Oak Ridge Turnpike	Oak Ridge, TN	Private Club	American Veterans of World War II, Korea & Vietnam	97-0651	Employee Permit	Paid
						98-0189	Sale for Off-Premise	Paid
						07-1577	Prohibited Pornographic Conduct	Paid

STATE OF TENNESSEE  
ALCOHOLIC BEVERAGE COMMISSION  
CITATION

PAID 5/14/13  
# 09965076  
\$ 1500.00  
Nashville

FYI

To: Aubrey's  
481 South Illinois Ave  
Oak Ridge, TN 37830

Permit # 18086

RI 13-0317

TABC Report Date: 3-20-13

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

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

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

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

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

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

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

APR 26 2013

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

  
\_\_\_\_\_  
TABC Authorized Signature (Date)

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

DATE: 3/20/2013

RI:13-0317

TO: Mark Hutchens - CLEO

FROM: Derrick Dalton- SA

BUSINESS NAME: Aubrey's  
ADDRESS: 481 South Illinois Avenue  
CITY/ZIP: Oak Ridge, 37830  
LICENSE NO.: 18086  
EXPIRATION DATE: October 25, 2013  
MANAGER/CLERK: (ON DUTY): Cody Brooks

**STATE LAWS:**

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

**RULES & REGULATIONS:**

**Liquor By the Drink:**

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

**Private Club:**

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

**Caterer:**

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

**Special Occasion Permits:**

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

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

*AD 3/21/13*

**Aubrey's**  
481 South Illinois Avenue  
Oak Ridge, TN 37830  
Permit #: 18086

RI13-0317

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

At approximately 9:10 PM on March 18, 2013, a confidential informant (I13-0004C) who is nineteen (19) years of age, date of birth 07/06/1993, entered Aubrey's while monitored by SA Derrick Dalton. Upon entry to Aubrey's Cody Brooks **did** check confidential informant's identification and served the underage informant a Bud Light draft beer. Cody Brooks was issued a citation by SA Dalton and is scheduled to appear at the General Sessions Court of Anderson County on March 25, 2013, at 9:00 AM to be arraigned on aforementioned charge.

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

**See Attached:**

No Previous Violations

Tennessee Uniform Citation

Pictures of Underage Confidential Informant - I13-0004C

Case Time and Expense Report

PRINT DATE

[ ] [ ]

COMPLAINT - AFFIDAVIT

DOS  PD  SO  OTHER

AGENCY

TABC

I.D. NO.

0191800

THE UNDERSIGNED, BEING DULY SWORN UPON HIS OATH, DEPOSES:

NAME (FIRST) Cody (MIDDLE) Alicia (LAST) Bruck DATE OF BIRTH MO. DAY YR. RACE W SEX F

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

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

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

OWNED  LEASED NAME ADDRESS  MC  CMV  HAZ  
 CARRIER  ACCIDENT MAT

DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE:

MAKE MODEL YEAR COLOR LICENSE PLATE NUMBER STATE YEAR

UPON STREET/HIGHWAY S.R. # TRAVEL DIR. M.M. # CITY/COUNTY HIGHWAY TYPE  2-L AREA  BUSINESS  
 3-L  4-L  DIV.  I-75  SCHOOL  RES.  RURAL

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

01  SPEEDING \_\_\_\_\_ MPH IN \_\_\_\_\_ SPEED LIMIT  ZONE  PACING  RADAR  OTHER 591  OVERWEIGHT AXLE  
02  RECKLESS DRIVING 20  DUI BAC \_\_\_\_\_ 103  REGISTRATION LAW  
03  TRAFFIC CONTROL DEVICE 22  REV/SUS/CAN DL 393  CHILD RESTRAINT  
OTHER: \_\_\_\_\_

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

On March 18, 2013 at approximately 09:10pm the Tennessee Alcoholic Beverage Commission conducted a minor compliance operation at Abbey's 461 South Illinois Ave Oak Ridge, TN. The Defendant served a low light draft beer to a confidential informant. The minor identification was checked by the Defendant. The informant State of Tennessee drivers license showed that her date of birth was (07-06-1993) age (19) The above incident occurred in Anderson County TN. Knoxville [REDACTED]

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

THIS 18 DAY OF March 20 13 TIME 9:24  AM  PM Special Agent Derrick R. Diltz 324  
RANK OFFICER NAME (PRINT) BADGE/ID NO.



IN THE 1  GENERAL SESSIONS COURT OF Anderson COUNTY NO. [ ] IN THE CITY OF Oak Ridge NO. [ ]  
2  JUVENILE COURT COURT ON Mon THE 25 DAY OF March 20 13 TIME 9  AM  PM

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

UNDERSTAND THE ABOVE NOTICE, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT. Cody Bruck  
VIOLATOR'S SIGNATURE

STATE OF TENNESSEE  
ALCOHOLIC BEVERAGE COMMISSION  
CITATION

CC# 313998 4098  
Alcoholic Beverage Commission  
Office 31603003

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

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

THANK YOU FOR YOUR PAYMENT

Permit # 18072

RI 13-0318

TABC Report Date: 3-20-13

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

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

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

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

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

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

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

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

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

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

DATE: 3/20/2013

RI:13-0318

TO: Mark Hutchens - CLEO

FROM: Derrick Dalton- SA

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

**STATE LAWS:**

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

**RULES & REGULATIONS:**

**Liquor By the Drink:**

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

**Private Club:**

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

**Caterer:**

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

**Special Occasion Permits:**

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

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

EWEED L...

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

RI13-0318

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

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

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

**See Attached:**

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

REPORT DATE:

**COMPLAINT - AFFIDAVIT**  DOS  PD  SO  OTHER

AGENCY: **TABC** I.D. NO. **0191800**

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH, DEPOSES:

NAME (FIRST) **Abel** (MIDDLE) (LAST) **Ascencio-Bañales**

DATE OF BIRTH: **07-06-1993** RACE: **H** SEX: **M**

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

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

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

OWNED  LEASED NAME ADDRESS  MC  CMV  HAZ  CARRIER  ACCIDENT MAT

DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE:

MAKE MODEL YEAR COLOR LICENSE PLATE NUMBER STATE YEAR

UPON STREET/HIGHWAY S.R. # TRAVEL DIR. M.M. # CITY/COUNTY HIGHWAY TYPE AREA

N  S  E  W  2-L  3-L  4-L  DIV  I-RO  BUSINESS  SCHOOL  RES.  RURAL

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

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

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

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

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

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

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

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

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

RANK OFFICER NAME (PRINT) BADGE/ID NO.



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

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

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

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

VIOLATOR'S SIGNATURE **X Abel Ascencio Bañales**

**STATE OF TENNESSEE**  
**ALCOHOLIC BEVERAGE COMMISSION**  
**CITATION**

**FYI**

To: Hidalgo Mexican Restaurant  
299 Oak Ridge Turnpike  
Oak Ridge, TN 37830

Permit # 18077

RI 13-0316

TABC Report Date: 3-21-13

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

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

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

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

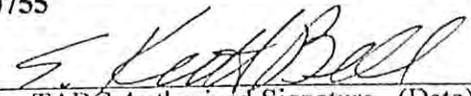
This offer will remain open for twenty (20) calendar days from the date noted below. By agreeing to settle this matter as set forth in paragraph B above, you are waiving your right to a hearing. When the TABC receives payment in full and this original citation signed by authorized agent of licensee,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

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

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

APR 26 2013

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

  
\_\_\_\_\_  
TABC Authorized Signature (Date)

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

DATE: 3/21/2013

RI: 13-0316

TO: Mark Hutchens - CLEO

FROM: SA Wade Hurst

**BUSINESS NAME:** Hidalgo Mexican Restaurant  
**ADDRESS:** 299 Oak Ridge Turnpike  
**CITY/ZIP:** Oak Ridge, Tn. 37830  
**LICENSE NO.:** 18,077  
**EXPIRATION DATE:** September 29, 2013  
**MANAGER/CLERK: (ON DUTY):** Judy Ortiz

**STATE LAWS:**

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

**RULES & REGULATIONS:**

**Liquor By the Drink:**

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

**Private Club:**

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

**Caterer:**

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

**Special Occasion Permits:**

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

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

Hidalgo Mexican Restaurant  
299 Oak Ridge Turnpike  
Oak Ridge, Tn. 37830  
Permit # 18,077

RI-13-0316

**Sales to Minors Prohibited TCA 57-4-203 (b) (1) (B) {Beer}**

On March 18, 2013 TABC Agents Dalton and Hurst conducted a minor compliance check at Hidalgo Mexican Restaurant in Oak Ridge.

On this date at approximately 3:55pm a CI (I-13-0004c) who is nineteen (19) years of age, DOB 07/06/1993, entered Hidalgo Mexican Restaurant while monitored by Agent Dalton, ordered and was served a beer by employee Jose V. Medina, who did check the CI's identification. Jose V. Medina was issued a citation by Agent Dalton and is scheduled to appear in General Sessions Court of Anderson County on March 25, 2013.

Hidalgo Mexican Restaurant is in violation of the aforementioned statute that states: Any licensee engaging in business regulated hereunder or any employee thereof who sells, furnishes, disposes of, gives or causes to be sold, furnished, disposed of, or given any beer or malt beverage as defined in 57-6-102 to any person under twenty-one (21) years of age is guilty of a Class A Misdemeanor.

Attachments:

Citation

Picture of Cadet

Case Time

Previous Violations

JHT DATE:

**COMPLAINT - AFFIDAVIT**  DOS  PD  SO  OTHER

AGENCY: **TABC** I.D. NO.: **019180**

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

NAME (FIRST) **Jose** (MIDDLE) **Pedro** (LAST) **Ventura-Medina**

DATE OF BIRTH: **07-06-1993** RACE: **H** SEX: **M**

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

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

DRIVER LICENSE NUMBER: **[REDACTED]** CLASS/TYPE LICENSE: **[REDACTED]** STATE: **TN** EXPIRATION DATE: **[REDACTED]** TELEPHONE NUMBER: **[REDACTED]**

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

DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE:

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

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

**AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:**

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

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

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

OTHER: **[REDACTED]**

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

On March 18, 2013 at 4:45pm the Tenn Alcoholic Beverage Commission - conducted - random compliance operation at Huelga Mexican Rest 259 Oak Ridge Turnpike Oak Ridge Tennessee. The Defendant served a Bud last Draft Beer to a confidential informant. The minor's identification was checked by the Defendant. The informant State of Tennessee driver license showed that her DOB was 07-06-1993 age 19. The above incident occurred in Anderson County.

**[REDACTED]**

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

THIS **18** DAY OF **March** 20 **13** TIME **0:55**  AM  PM

RANK: **Special Agent** OFFICER NAME (PRINT): **David R. Diller** BADGE/ID NO.: **324**



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

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

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

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

VIOLATOR'S SIGNATURE: *[Signature]*

STATE OF TENNESSEE  
ALCOHOLIC BEVERAGE COMMISSION  
CITATION

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

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

FYI

Permit # 99400

RI 13-0313

TABC Report Date: 3-19-13

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

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

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

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

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

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

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

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

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

  
TABC Authorized Signature (Date)

APR 26 2013

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

DATE: 3/19/13

RI:13-0313

TO: Mark Hutchens - CLEO

FROM: Derrick Dalton - SA

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

**STATE LAWS:**

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

**RULES & REGULATIONS:**

**Liquor By the Drink:**

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

**Private Club:**

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

**Caterer:**

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

**Special Occasion Permits:**

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

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

724 3/21/13

**Moose Lodge #1316 – Oak Ridge**

103 N. Jefferson Circle

Oak Ridge, TN 37831

Permit #: 99400

RI13-0313 (CI13-0045)

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

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

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

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

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

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

**See Attached:**

Tennessee Uniform Citation

Pictures of Underage Confidential Informant - I13-0004C

Case Time & Expense Report

Previous Violations

COURT DATE

COMPLAINT - AFFIDAVIT

DOS  PD  SO  OTHER

AGENCY TA3C

I.D. NO. 0191802

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

NAME (FIRST) Arion (MIDDLE) APJVEL (LAST) Merc DATE OF BIRTH MO DAY YR RACE W SEX M

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

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

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

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

DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE:

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

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

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

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

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

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

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

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

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

[REDACTED] signed in by Scanny J. Silver

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

THIS 18 DAY OF March 20 13 TIME 10:03  AM  PM Special Agent Derek R. V. H. 3211

RANK OFFICER NAME (PRINT) BADGE/ID NO.

DO NOT WRITE IN SHADED AREA

COURT IN THE 1  GENERAL SESSIONS COURT OF Anderson COUNTY NO. [REDACTED] IN THE CITY OF Chickasaw NO. [REDACTED]

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

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

UNDERSTAND THE ABOVE NOTICE, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT. VIOLATOR'S SIGNATURE [Signature]

STATE OF TENNESSEE  
ALCOHOLIC BEVERAGE COMMISSION  
CITATION

PAID 5/7/13  
#09909952  
\$1500.00  
Nashville

To: Ruby Tuesday  
375 South Illinois Ave  
Oak Ridge, TN 37830

FYI

Permit # 18054

RI 13-0319

TABC Report Date: 3-20-13

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

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

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

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

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

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

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

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

  
\_\_\_\_\_  
TABC Authorized Signature (Date)

APR 26 2013

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

DATE: 3/20/2013

RI:13-0319

TO: Mark Hutchens - CLEO

FROM: Derrick Dalton- SA

BUSINESS NAME: Ruby Tuesday  
ADDRESS: 375 South Illinois Avenue  
CITY/ZIP: Oak Ridge, 37830  
LICENSE NO.: 18054  
EXPIRATION DATE: December 2, 2013  
MANAGER/CLERK: (ON DUTY):

**STATE LAWS:**

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

**RULES & REGULATIONS:**

**Liquor By the Drink:**

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

**Private Club:**

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

**Caterer:**

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

**Special Occasion Permits:**

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

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

TOP 3/21/13

**Ruby Tuesday**  
375 South Illinois Avenue  
Oak Ridge, TN 37830  
Permit #: 18054

RI13-0319

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

At approximately 8:05 PM on March 18, 2013, a confidential informant (I13-0004C) who is nineteen (19) years of age, date of birth 07/06/1993, entered Ruby Tuesday while monitored by SA Derrick Dalton. Upon entry to Ruby Tuesday **did** check confidential informant's identification and served the underage informant a Bud Light draft beer. **was** issued a citation by SA Dalton and is scheduled to appear at the General Sessions Court of Anderson County on March 25, 2013, at 9:00 AM to be arraigned on aforementioned charge.

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

**See Attached:**

Previous Violations

Tennessee Uniform Citation

Pictures of Underage Confidential Informant - I13-0004C

Case Time and Expense Report

LEGAL DEPARTMENT MEMORANDUM

13-33

DATE: August 29, 2013

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

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

SUBJECT: REQUESTED INFORMATION ON TWO POSSIBLE ORDINANCE AMENDMENTS: REQUIRING PERMITTEE TO NOTIFY CITY OF ANY CITATIONS BY TENNESSEE ALCOHOLIC BEVERAGE COMMISSION; TRAINING REQUIREMENT FOR OWNERS PRIOR TO ISSUANCE OF BEER PERMIT

At the August 12, 2013 Beer Board meeting, the following requests were made by members of the Board for the next meeting: (1) Chairman Tedford requested information on amending the ordinance to require anyone cited by the Tennessee Alcoholic Beverage Commission to notify the City/Board within ten (10) working days; and (2) Ms. Scott requested information on how the Board would go about requiring all owners to take a class prior to receiving a beer permit. This memorandum provides the requested information.

Notification by Permittee of Citations by Tennessee Alcoholic Beverage Commission

Chairman Tedford requested information on amending the beer ordinances to require anyone cited by the Tennessee Alcoholic Beverage Commission to notify the City/Board within ten (10) working days. It is the opinion of the Legal Department that such a requirement is within the City's authority.

Tennessee Code Annotated §57-5-106(a) states:

All incorporated cities, towns and Class B counties in the state of Tennessee are authorized to pass proper ordinances governing the issuance and revocation or suspension of licenses for the storage, sale, manufacture and/or distribution of beer within the corporate limits of the cities and towns and within the general services districts of Class B counties outside the limits of any smaller cities as defined in § 7-1-101(8) and to provide a board of persons before whom such application shall be made, but the power of such cities, towns and Class B counties to issue licenses shall in no event be greater than the power herein granted to counties, but cities, towns and Class B counties may impose additional restrictions, fixing zones and territories and provide hours of opening and closing and such other rules and regulations as will promote public health, morals and safety as they may by ordinance provide. The ordinance power granted to a municipality by this subsection does not permit a municipality to establish residency requirements for its applicants. The ordinance power granted to a municipality by this section does not permit a municipality to impose training or certification restrictions or requirements on employees of a permittee if those employees possess a server permit issued by the alcoholic beverage commission pursuant to chapter 3, part 7 of this title. [Emphasis added]

State law authorizes a city to enact ordinances that establish additional restrictions and rules and regulations on beer permittees that promote public health, morals and safety with one limitation. The limitation is that a city cannot impose training or certification restrictions/requirements on employees with a server permit issued by the Tennessee Alcoholic Beverage Commission. While the amendment proposed by Chairman Tedford is only applicable to liquor licensed establishments, it is not in violation of the statutory limitation as it is not a requirement placed on the employee but rather on the permittee (owner).

Should the Board wish to propose such an amendment to City Council, it is recommended that the amendment be placed in a new section (City Code §8-608) in the general provisions chapter for beer. Proposed language is as follows:

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

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

It is suggested that calendar days be used instead of working days since most businesses with liquor licenses and beer permits would be open seven days a week. Additionally, using working days may result in an opportunity to delay notification by temporarily closing the business. Using calendar days gives all businesses the same number of days to send notification.

#### Training Requirement for All Owners Prior to Issuance of Beer Permit

Board member Ms. Scott requested information on how the Board would go about requiring all owners to take a class prior to receiving a beer permit. Such a requirement would need to be established by ordinance. It is the opinion of the Legal Department that such a requirement is within the City's authority, but would be limited by Tennessee Code Annotated §57-5-106(a) if the training requirement were extended to all employees.

Current code provisions require all employees participating in the sale or distribution of beer to be "trained" in the City's beer ordinances, but it does not set forth any formal training program. Current language is as follows:

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

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

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

In an effort to provide the Board with information on the subject of training, the Legal Department has reviewed other cities'/counties' ordinances to compare language. Only seven cities/counties were found to have specific training requirements for beer permit holders: Anderson County, Bristol, Franklin, Johnson City, Knox County, Knoxville, and Morristown. Ordinances for other cities/counties were reviewed but no training requirements were located.<sup>1</sup> Additionally, numerous Tennessee municipal attorneys were contacted via email and asked to reply if their city had any specific training requirements for beer permit holders. As of this writing, no responses have been received.

Attached is a nine-page document showing specific training language for the above listed cities and counties. For ease of reference, the requirements are briefly set forth below:

*Anderson County:* Employees must complete an alcoholic beverage sale or server instruction program approved by the beer board and certified by the Tennessee Alcoholic Beverage Commission.

*Bristol:* On-site manager must successfully complete an alcohol education and training program conducted by Bristol Police Department.

*Franklin:* Voluntary program for off-premises permits for each clerk (Responsible Vendor Certification). Annual meetings.

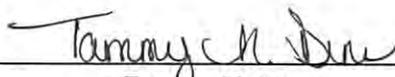
*Johnson City:* Licensee, principals, managers, and employees must complete alcohol awareness program by entity certified by city manager.

*Knox County:* Licensee and permittee must complete server training course approved by Knox County Sheriff. Every three years.

*Knoxville:* Permittee or on-site manager must complete alcohol education and training program conducted by Knoxville Police Department. Annual requirement.

*Morristown:* Employees must obtain a permit from city. Employees must be certified in alcohol server training under TIPS program (or comparable program approved by beer board). Employees must maintain certification. Continuous requirement.

The Board is encouraged to discuss the parameters of a training requirement, keeping in mind limitations on employees with server permits. The Board is also encouraged to participate in training opportunities to have first-hand knowledge of available programs.

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

Attachment: Nine-Page Document on Training Requirements

<sup>1</sup> Those cities/counties are: Athens, Brentwood, Clarksville, Clinton, Collierville, Cookeville, Crossville, Elizabethton, Farragut, Gallatin, Germantown, Harriman, Hendersonville, Jacksboro, Jefferson City, Kingsport, Lake City, Lenoir City, Maryville, Memphis, Metro Nashville and Davidson County, Millersville, Mt. Juliet, Oliver Springs, Pigeon Forge, Red Bank, Shelby County, and Sweetwater.

## ANDERSON COUNTY

### Resolution 12-433

- Section 1: No person holding a permit or license to sell beer in the county, outside the municipal limits of Oak Ridge, Clinton, Oliver Springs, Lake City and Norris shall allow an employee to sell or serve beer unless that employee has attended and completed a program of alcoholic beverage sale or server instruction approved by the Anderson County Beer Board and certified by the Tennessee Alcoholic Commission.
- Section 2: No employee of a person holding a beer permit or license to sell beer in the county, outside the municipal limits of Oak Ridge, Clinton, Oliver Springs, Lake City and Norris shall be allowed to sell or serve beer unless that person has attended and completed a program of alcoholic beverage sale or server instruction approved by the Anderson County Beer Board and certified by the Tennessee Alcoholic Commission.
- A) Existing employees of permit holders will have six (6) months from the date of passage of this resolution to obtain property certification.
  - B) New employees of permit holders will have thirty (30) days to obtain proper certification from the date of hire.
  - C) Employees holding a valid Tennessee Alcoholic Beverage Commission certification or license shall be exempt from the terms of this resolution.
- Section 3: An extension waiving compliance with this resolution may be granted by the Anderson County Beer Board upon proper application and good cause shown by an existing permit holder for up to an additional six (6) months in order to achieve full compliance.
- Section 4: The Anderson County Beer Board may issue Show Cause Orders to any permit holders or employees to command their presence and answer charges before the Board upon information and belief received that a violation of this resolution has occurred.
- Section 5: Upon a finding of guilt, proven by clear and convincing evidence, the Beer Board may suspend a beer permit for up to ten (10) days, or in the alternative impose a monetary fine of up to fifty (\$50.00) dollars per occurrence and/or require the employee to successfully repeat the program of alcoholic beverage sale or server instruction approved by the Anderson County Beer Board and certified by the Tennessee Alcoholic Beverage Commission.
- Section 6: Documentation demonstrating compliance with the terms of this resolution shall be maintained on premises and shall be available for inspection by proper authorities at all times beer is being served or sold.
- Section 7: The Anderson County Clerk shall cause a copy of this resolution to be mailed to all beer permit holders within thirty (30) days of passage and all new applicants shall be provided a copy of this resolution at the time of application.

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

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

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

Effective March 19, 2012

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## BRISTOL

### **Sec. 6-154. - Restrictions pertaining to intoxicated persons.**

- (c) Prior to the issuance of an off-premises permit, an on site manager of the permit holder shall successfully complete an alcohol education and training program conducted by the police department. The cost of the education and training program to be paid by the permit holder shall be established from time to time by the city council. In addition, each employee of an off-premises permit holder (and any other person on the premises) who sells or otherwise distributes beverages regulated by this article shall certify on a form to be approved by the beer board that he or she has received a copy of and is familiar with basic guidelines promulgated by the alcohol education and training program conducted by the police department.
- (d) Prior to the issuance of an on-premises permit, at least one on site manager of the permit holder, who shall be on the premises at all times when beverages regulated by this article are sold or distributed, shall successfully complete an alcohol education and training program conducted by the police department. The cost of the alcohol education and training program to be paid by the permit holder shall be established from time to time by the city council. In addition, each employee of an on-premises permit holder (and any other person on the premises) who serves or distributes beverages regulated by this article shall certify on a form to be approved by the beer board that he or she has received a copy of and is familiar with basic guidelines promulgated by the alcohol education and training program conducted by the police department.
- (e) As provided by T.C.A. § 57-5-106, the provisions of subsections (c) and (d), above, shall not apply to employees of a permittee if those employees possess a server permit issued by the commission pursuant to T.C.A. § 57-3-701 et seq.

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**FRANKLIN**

**Sec. 8-225. - Responsible vendor certification for off-premises sale.**

Permittees may voluntarily participate in the Commission's Responsible Vendor Training Program for off-premise sale by complying with the Tennessee Responsible Vendor Act of 2006, set forth in Tenn. Code Ann. § 57-5-601 et seq. and any rules set forth by the commission. By successfully participating in the program, the permittee shall receive a reduction in penalty for the first offense sale to a minor. The board shall be limited to a civil penalty as specified in Title 22, Comprehensive Fees and Penalties, and suspension or revocation of the permit shall not be an option. It shall be the permittee's responsibility to provide the beer board staff with a copy of a valid certification within five days of a request by the beer board staff or of a notice of hearing.

Successful completion of the responsible vendor training program includes but is not limited to the following:

- (1) Each clerk must successfully complete a responsible vendor training program within 61 days of commencing employment.
- (2) No clerk may sell beer for off-premises consumption unless the clerk successfully completes the responsible vendor training program and has been issued a certificate of completion.
- (3) Each clerk who has successfully completed the responsible vendor training program shall be issued a badge by permittee and worn at all times while on duty.
- (4) Permittee shall provide instruction approved by the commission to all employees including, but not limited to, the laws of the sale of beer for off-premises consumption, methods of recognizing and dealing with underage customers, and procedures for refusing to sell beer to underage customers and for dealing with intoxicated customers.
- (5) Permittees shall require all clerks to attend at least one annual meeting held by the commission regarding responsible vendor policies and procedures as set forth by the commission.
- (6) Permittees shall maintain employment records and all responsible vendor training records of all clerks.

**Sec. 8-229. - Guidelines for discipline for violation; civil penalty in lieu of suspension.**

(1) *Responsible vendors.*

- a. *First offense for sale to a minor:* The beer board must offer a permit holder who is qualified as a responsible vendor a civil penalty as specified in Title 22, Comprehensive Fees and Penalties, or the maximum penalty allowed by state law for the first offense in a calendar year of making or permitting to be made any sales to minors.
- b. *Second offense for sale to a minor:* The beer board may issue an order of suspension of the beer permit for 60 days for the second offense of making or permitting to be made any sales to minors or for any other second offense. The responsible vendor status will be revoked by the TABC.
- c. *Third offense for sale to a minor:* Upon the third offense in a calendar year of making or permitting to be made any sales to minors, the responsible vendor no longer has responsible vendor status and the beer board may, at its discretion, issue discipline with a permanent revocation and a ban on reapplying for one year.
- d. *First offense for other violation:* The beer board may offer a civil penalty as specified in Title 22, Comprehensive Fees and Penalties, for any other first time offense.
- e. *Second offense for other violation:* The beer board may issue an order of suspension of the beer permit for 60 days for the second offense for any offense other than a sale to a minor while qualified as a responsible vendor.
- f. *Third offense:* The beer board may issue an order of permanent revocation and a ban on reapplying for a beer permit for one year for the third offense for any offense other than the sale to a minor while qualified as a responsible vendor.
- g. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

(2) *Nonresponsible vendors; all others.* The imposition of penalties shall be within the sole discretion of the beer board. The guidelines are meant to insure fairness and consistency among persons charged with the same offense, but the beer board may depart from these guidelines whenever the evidence indicates that particular aggravating or mitigating circumstances exist. The beer board may also add conditions to any penalty including but not limited to probation or additional training of employees.

- a. *First offense:* The beer board may offer a permit holder who is not qualified as a responsible vendor a civil penalty as specified in Title 22, Comprehensive Fees and Penalties, for the first offense of making or permitting to be made any sales to minors or, a civil penalty as specified in Title 22, Comprehensive Fees and Penalties, for any other first offense.

- b. *Second offense:* The beer board may issue an order of suspension of the beer permit for 60 days for the second offense of making or permitting to be made any sales to minors or for any other second offense.
- c. *Third offense:* The beer board may issue an order of permanent revocation and a ban on reapplying for a beer permit for one year for the third offense of making or permitting to be made any sales to minors or for any other third offense.
- d. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

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**JOHNSON CITY**

**§8-220. Alcohol awareness training.**

- (1) All holders of licenses issued pursuant to title 8 of the code of the City of Johnson City, Tennessee their principals and/or all employees directly working in a capacity or serving, selling or otherwise dispensing alcoholic beverages regulated pursuant to this chapter are required to successfully complete a program of alcohol awareness training by an entity certified by the city manager to have an adequate training curriculum for alcohol awareness. Said training is to be completed at least once every three (3) years.
- (2) The city manager shall certify any organization or entity seeking to provide alcohol awareness training for servers or sellers or both, upon adequate demonstration to the city manager that the faculty, materials and facilities of the organization or entity meet such minimum standards as shall be fixed by the city manager or his designee and that the curriculum, at a minimum, includes the following components:
  - (a) Effects of alcohol on the human body.
    - (i) Review of blood alcohol content;
    - (ii) Absorption rates and factors affecting absorption of alcohol;
    - (iii) Behavioral effects of alcohol;
    - (iv) Interaction and combined effects of mixing alcohol with legal and/or illegal drugs;
    - (v) Identification of problem drinkers.
  - (b) Identify situations in which seller/server intervention is appropriate.
  - (c) Handling situations and people in non-confrontational manner.

- (d) Suggested responses by servers/sellers to situations involving intoxicated and/or underage persons.
- (e) Review of Tennessee and City of Johnson City ordinances, law, rules and regulations regarding the sale and service of alcoholic beverages.
- (f) Review of acceptable identification; spotting fake identification; acceptable secondary identification; responsibility for checking identification.

**§8-221. Seller/server permits.** For server permits for off-premises establishments, refer to state law.

- (1) It is unlawful for a licensee, any principal, manager, or any other employee to personally sell, serve, or otherwise dispense alcoholic beverages regulated pursuant to this chapter without a valid seller/server permit issued pursuant to subsections (3) and (4) herein. It is made the duty of the licensee to ensure that each person selling, serving, or dispensing alcoholic beverages in his, her, or its place of business has a valid seller/server permit. The violation of the licensee of his, her, or its duty to ensure proper permitting of each person selling, serving, or dispensing alcoholic beverages regulated pursuant to this chapter in his, her, or its place of business shall result in a suspension of that license or revocation thereof under the provisions of § 8-218. Said permit must be on the person of the seller, server, or dispenser or upon the premises of the licensee at all times subject to inspection by the city's duly authorized agent.
- (2) Any individual may be eligible for a seller/server permit by completing an application for such permit on forms provided by the city recorder's office. An applicant for a seller/server permit must demonstrate to the city that the applicant meets the following requirements:
  - (a) The applicant has not been convicted of committing any state or federal felony, any DUI/DWI/implied consent laws, or violating any criminal laws regarding theft, burglary, crime of violence, child abuse, spousal abuse, prostitution, or pandering within the five (5) year period next preceding the date of application.
  - (b) The applicant has not been convicted of or violated any statute, rule, or regulation against the prohibition, sale, consumption, manufacture, handling, or transportation of beer within the five (5) year period next preceding the date of application or the possession, sale, manufacture, and transportation of intoxicating liquor or any crime of moral turpitude within the ten (10) year period next preceding the date of the application.
  - (c) The applicant has not been convicted of or violated any statute, rule, or regulation regarding any controlled substances within the five (5) year period next preceding the date of application.
  - (d) The applicant has not had a seller/server permit or similar permit issued in a foreign jurisdiction revoked by any issuing authority within the five (5) year period next preceding the date of application.
  - (e) Within one (1) year prior to the submission of the application, the applicant shall successfully complete a program of alcohol awareness training for persons involved in

the direct service of alcohol, wine, or beer by an entity certified by the city manager to have an adequate training curriculum for alcohol awareness; and

- (f) The applicant shall be at least eighteen (18) years of age.
- (3) The city manager or his designee may issue a temporary seller/server permit to an applicant, which temporary permit shall not exceed sixty-one (61) days, upon the filing of a completed application, submitted under penalty of perjury, establishing that the applicant meets the requirements imposed by this section. No licensee shall be liable for a violation of this section involving the employment of a person who fails to meet the requirements for employment, if that person has been issued a temporary seller/server permit.
- (4) Each seller/server permit shall be valid for three (3) years. Applications for renewal shall be made in the same manner as application for original permits upon forms prescribed by the city recorder's office. Applicants for renewal must successfully complete a program of alcohol awareness training pursuant to § 8-220(1).
- (5) Upon the conviction of a seller/server permit holder for beer sales violations, said permit shall be revoked.
- (6) A seller/server permit that is lost may be replaced by completing another application if the applicant has successfully completed a program of alcohol awareness training within one (1) year prior to the submission of the application pursuant to subsection (3) of this section.
- (7) The city may conduct a criminal record review for any applicant for a seller/server permit to ensure the applicant's compliance with the requirements of this section.
- (8) The city may assess an application and renewal fee for the permits to be issued under this section. The city may assess a certification fee to any organization or entity seeking certification pursuant to §8-220(2).

#### **§8-224. Training of licensees, employees, etc.**

Any person holding a license hereunder, or owning any business or any interest in any business licensed hereunder, or employed to operate or work in the same as a manager, cashier or other person completing the sale on behalf of the license holder, shall, within six (6) weeks of acquiring such license, ownership, ownership interest or employment satisfactorily complete a program of training, which program shall be in form and content satisfactory to the city manager or his/her designee, provided that any such person may be excused from the provisions of this section by waiver granted by the city manager or his/her designee if it is proven by evidence satisfactory to the aforesaid official, in his/her sole and absolute discretion:

- (1) That such person is already sufficiently familiar with applicable laws and ordinances pertaining to the sale of alcoholic beverages pursuant to this chapter so as to merit such a waiver; or
- (2) That such person holds a "server permit" issued by the Alcoholic Beverage Commission as provided in Tennessee Code Annotated, § 57-5-106 (a). An appropriate charge will be made for such training program in an amount to be set by the city manager.

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**KNOX COUNTY**

**Sec. 4-4. - Application procedure and fees.**

- (g) In order to receive a permit, the applicant must establish by sworn testimony before the county commission that:
  - (11) All licensees/permittees must complete a server training course approved by the county sheriff. Further, responsible vendors must likewise comply with all state licensing/training requirements.

**Sec. 4-5. - Server training.**

Any new employee of a business regulated under this article who does not hold a certificate of completion from an alcoholic beverage server-training program approved by the county sheriff's office shall have 30 days from the date of hire to complete the training required herein.

Each employee and server permit shall be valid for three years. Applications for renewal shall be made in the same manner as applications for original permits upon forms prescribed by the county commission. Employee and server permits are not transferrable.

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**KNOXVILLE**

**Sec. 4-60. Classifications of permits.**

- (c) Prior to issuance of a retailer's permit, and on an annual basis thereafter, the permittee or on-site manager must complete an alcohol education and training program conducted by the city police department. The cost of the initial and annual alcohol education and training program shall be fifty dollars (\$50.00) per participant.

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MORRISTOWN

**§8-209. Beer permits shall be restrictive.**

- (2)(c) A permit is required for all employees involved in the selling or dispensing of beer for on premises consumption. There shall be a fee imposed for such permit by resolution of city council, as it may act from time to time, in such amounts and for such duration as the council deems appropriate. Applicants for employee permits must be certified in alcohol server training under the "Training for Intervention Procedures" (TIPS) program, and maintain certification during employment, or be certified under a comparable program formally approved and adopted by the beer board. If the employee applicant chooses to take training for certification in a course offered by the city, no fee will be charged to the applicant for such training. The training must include, but not be limited to, recognition of possible impairment of patrons, criminal and civil liability issued related to serving alcoholic beverages, and the legal and social consequences of unlawful consumption of alcoholic beverages.
- (3) .... A permit is required for all employees involved in the selling or dispensing of beer for off premises consumption. There shall be a fee imposed for such permit by resolution of city council, as it may act from time to time, in such amounts and for such duration as the council deems appropriate. Applicants for employee permits must be certified in alcohol server training under the "Training for Intervention Procedures" (TIPS) program, and maintain certification during employment, or be certified under a comparable program formally approved and adopted by the beer board. If the employee applicant chooses to take training for certification in a course offered by the city, no fee will be charged to the applicant for such training; however, there may be a fee for materials supplied the applicant. The training must include, but not be limited to, recognition of possible impairment of patrons, criminal and civil liability issued related to serving alcoholic beverages, and the legal and social consequences of unlawful consumption of alcoholic beverages.
- (4) A city issued permit/ID is required for all employees involved in the selling or dispensing of beer for on or off premises consumption. This permit/ID is required to be visibly displayed by the employee at all times while working as server/clerk. The permit/ID will display the applicant's first name and an ID number that can be cross-referenced to the applicant's identity.