

**OAK RIDGE BEER PERMIT BOARD  
REGULAR MEETING**

Municipal Building Training Room – Room 104  
Wednesday, September 7, 2016  
5:15 p.m.

AGENDA

1. ATTENDANCE
2. APPROVAL OF MINUTES – August 3, 2016 Regular Meeting
3. APPLICATIONS FOR NEW BEER PERMIT AND ASSOCIATED MANAGER APPROVAL APPLICATIONS  
  
Puerto Cancun Mexican Grill (Application #1547 – Class C, On-Premises Consumption)  
Ricardo Magana-Ramirez, Owner  
Ricardo Magana-Ramirez, Manager  
299 Oak Ridge Turnpike
4. NEW MANAGER APPROVAL APPLICATIONS
5. NEW / OLD BUSINESS
  - A. Buffalo Mountain Grille
  - B. Chipotle
  - C. Reports from Oak Ridge Police Department (if any)
6. ADJOURNMENT

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

Municipal Building Training Room – Room 104  
Wednesday, August 3, 2016  
5:15 p.m.

PRESENT: Chairman Barton Bailey, Secretary Darren Osborne, Theresa Scott, Debra Solmonson, and Danny Whitson

ABSENT: Wende Doolittle and David Mosby

ALSO PRESENT: Tammy Dunn, Senior Staff Attorney / Staff Liaison to Board

AUDIENCE MEMBERS: Stacy Pratt, Allies for Substance Abuse Prevention (ASAP)  
Jamie Standridge, Leadership Oak Ridge

**ROLL CALL**

Chairman Bailey called the meeting to order at 5:16 p.m. All members were present except Ms. Doolittle and Mr. Mosby.

**APPROVAL OF MINUTES**

Ms. Scott moved, seconded by Ms. Solmonson, to approve the minutes of the June 1, 2016 regular meeting and the motion passed unanimously.

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

United Way of Anderson County (Application #1544 – Class E, Special Event Permit)  
Naomi Asher, Supervisor of Beer Sales  
Fundraiser on September 15, 2016 (4pm – 9pm)  
Jackson Square

Ms. Asher, Executive Director of United Way of Anderson County, was present to discuss the application. Secretary Osborne stated he is the President of United Way of Anderson County and will, therefore, abstain from the vote and discussion of the application. The Board and Ms. Asher discussed the process of stamping patrons for beer purchases and ensuring patrons do not leave with beer. Having had no problems with these events in the past, Ms. Solmonson moved, seconded by Ms. Scott, to approve the application and the motion carried 4-0, with Secretary Osborne abstaining.

Aldi #14 (Application #1545 – Class B, Off-Premises Consumption Permit)  
Aldi Inc. (Tennessee), Owner  
John Presnell Larkin, Manager  
111 Woodland Terrace E.

Mr. Larkin was present to discuss the application. The Board discussed with Mr. Larkin the training and ID policy, the parking lot responsibilities, and to call the Police Department when needed. Mr. Larkin stated all employees are trained prior to running the cash register and IDs will be required for all beer purchases regardless of the age of the patron. Ms. Solmonson moved, seconded by Ms. Scott, to approve the applications (beer permit and manager application), and the motion carried unanimously.

Aid to Distressed Families of Appalachian Counties (ADFAC) (Application #1546 – Class E)

Katheryn Shearer, Supervisor of Beer Sales  
Fundraiser on October 25, 2016 (5pm – 10pm)  
St. Mary's Church Parish Life Center  
327 Vermont Avenue

Ms. Shearer was present to discuss the application. The Board and Ms. Shearer discussed the process for ID-ing a patron for an armband for beer purchases and ensuring patrons do not leave the premises with beer. Having had no problems with these events in the past, Secretary Osborne moved, seconded by Ms. Scott, to approve the application and the motion carried unanimously.

**APPLICATIONS FOR NEW MANAGER APPROVALS**

Rhonda Hamilton  
BPOE Elks Lodge No. 1684  
684 Emory Valley Road  
Replacement Manager

Ms. Hamilton was present to discuss her application. The Board and Ms. Hamilton discussed the membership and guest policy (members must be 21, all guests must be 21 to enter bar and must be signed in and stay with the member). Ms. Hamilton also stated the server in the dining room is TIPS certified. Ms. Solmonson moved, seconded by Ms. Scott, to approve the application and the motion carried unanimously.

**NEW BUSINESS/OLD BUSINESS**

Reports from Oak Ridge Police Department

None

Curbside Beer Service

Ms. Dunn stated the Legal Department had received two inquiries from local grocery stores asking whether beer could be sold as part of their online-order-grocery-store-pickup service. It was determined that both of these stores (Walmart and Kroger) complete the sale at the patron's vehicle, not online or inside the store. City Code §8-806 prohibits beer sales occurring to any person while such person is occupying any motor vehicle, prohibiting the transaction from occurring at the vehicle. Ms. Dunn checked with other cities to see if Tennessee cities allow or disallow such sales and so far only Knoxville had responded. Knoxville does not allow beer to be sold as part of online-order-grocery-store-pickup service either, but Knoxville's reasoning was that the parking lot is not the premises of the store and therefore sales cannot occur outside of the premises for which the beer permit is approved.

Ms. Dunn stated it is unknown at this time whether the City would want to move forward with a change to City Code §8-806 to address the grocery stores' question. The Board discussed this issue and had concerns about such sales. Ms. Scott moved, seconded by Ms. Solmonson, to recommend against any change to the ordinances to allow such sales and the motion carried unanimously.

**ADJOURNMENT**

There being no other business to come before the Board, Chairman Bailey moved, seconded by Secretary Osborne, to adjourn the meeting at 6:08 p.m. and the motion carried unanimously.

Respectfully submitted,

Secretary

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

Application for (check all that apply):

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

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

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

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

2. Name under which business will operate: PUERTO CANCUN MEXICAN GRILL

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

3. Street address where business will operate: 299 OAKRIDGE TPKE

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: (615) 483-6397

5. Proposed date business will open under this ownership: 9-1-2016

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

RICARDO MAGANA-ZAMPIERZ

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

HAVE TWENTY YEARS OPERATING RESTAURANTS IN TENNESSEE, GA, N.C. AND S.C. HAVE A LIQUOR SELL PERMIT

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:

RICARDO MAGANA-ZAMPIERZ

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:

RICARDO MAGANA 299 OAKRIDGE TPKE OAKRIDGE TN 37830

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

RESTAURANT

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

SEE ATTACHED

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

BRUCE HALE, 297A OAKRIDGE TURNPIKE, (865) 567-0464

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: N/A

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

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

EMPLOYEES WILL TAKE SERVER CLASSES  
ID CHECKS WILL BE REQUIRED

**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 15 day of AUGUST, 2016.

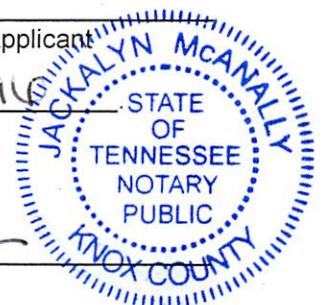
[Signature]

Signature of Applicant

Sworn to and subscribed before me this 15 day of August, 2016.

My commission expires: 11-9-19.

[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 PUERTO CANCUN MEXICAN GRILL  
Business Address 299 OAKRIDGE TPKE

2. Manager's Full Name RICARDO MAGANA-RAMIREZ

3. Request is made as (check which applies):  
Additional Manager \_\_\_\_\_ Replacement of Prior Manager X

4. Manager's prior experience selling/serving beer or other alcoholic beverage:  
20 YEARS OPERATING RESTAURANTS  
HAVE TAKEN MANY LIQUOR BY THE DRINK CLASSES

5. Manager's Work History:  
How long have you been employed at the business? NEW  
Date you became Manager: 9-1-2016  
Name of Previous Manager: N/A Date left: N/A  
Previous Employment for the past ten (10) years (name of business, address, length of employment, position held). Attach additional sheets if necessary):

MI TALISCO MEXICAN RESTAURANT 640 HWY 321 N. 1 1/2 SEASON  
MONTERREY MEXICAN REST. 820 HWY 321 N. LENOIR CITY TN 5 YRS MANAGER  
MONTERREY MEXICAN REST. 11151 KINGSTON PIKE FARRINGTON TN 8 YRS MANAGER

6. Beer Permit History:  
Have you ever been employed at an establishment with a beer permit? YES  
If so, where and when: MI TALISCO MEXICAN REST, 2015 - 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: N/A

7. Manager's Criminal History:  
Have you ever been convicted of any violation of federal laws, state statutes, or city ordinances involving the possession, sale, manufacture or transportation of intoxicating liquors, drugs or narcotics, or of a crime of moral turpitude with the past ten years? NO  
If so; provide details of the offense and when you were convicted:  
N/A

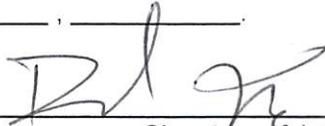
8. Describe steps which will be taken to prevent the sale of beer to persons under twenty-one (21):  
ID CHECKS WILL BE MANDATORY, SIGNS POSTED  
CLASSES REQUIRED

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 15 day of AUGUST, \_\_\_\_\_

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

Sworn to and subscribed before me this 15 day of August, 2014

My commission expires: 11-9-19

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

