

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

Municipal Building Training Room – Room 104  
Monday, October 14, 2013  
12:00 noon

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

ABSENT: Colin Colverson

ALSO PRESENT: Tammy Dunn, Senior Staff Attorney  
Alan Massengill, Deputy Chief of Police  
Derrick Dalton, Special Agent Tennessee Alcoholic Beverage Commission

AUDIENCE MEMBERS: Michael Foster, Allies for Substance Abuse Prevention  
Bob Fowler, Knoxville News Sentinel  
John Huotari, Oak Ridge Today

**ATTENDANCE**

Chairman Tedford called the meeting to order at 12:00 noon. All members were present except Mr. Colverson who gave prior notice of his absence to the Legal Department.

**APPROVAL OF MINUTES**

Ms. Williams moved, seconded by Secretary Bailey, to approve the minutes of the September 9, 2013 meeting and the motion carried unanimously.

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

**Application No. 1487**

**Gaurav A. Patel, Owner/Manager**  
**Grove Market**  
**133 Randolph Road**  
**Class B Permit**

Mr. Patel was present to discuss the application. The Board inquired which type of permit Mr. Patel was seeking since the application was marked for an on-premises consumption permit. Mr. Patel stated the business would still operate the same and needed an off-premises consumption permit. In response to questions by the Board, Mr. Patel provided the following information: the business will have three employees who have already been trained in beer sale, he understands to call the police if needed, and he understands he must monitor the parking lot for unlawful activity.

Having no further questions, Secretary Bailey moved, seconded by Ms. Scott, to approve the beer permit and manager application and the motion carried unanimously.

**Application No. 1488**

**Donald Wayne Lawson and Luis Roberto Rosales, Owners**

**Luis Roberto Rosales, Manager**

**Puerto Cancun LLC dba Puerto Cancun Mexican Grill and Bar**

**299 Oak Ridge Turnpike**

**Class C Permit**

Mr. Lawson and Mr. Rosales were present to discuss the application. Mr. Lawson stated they have purchased the assets of Hidalgo Mexican Restaurant (which is now closed) and they hope to open their new business at that location later this month. In response to questions by the Board, Mr. Lawson and Mr. Rosales provided the following information: there will be outdoor patio service, they understand the need to monitor the patio area to make sure beer is not handed off to a person who is not legally able to consume it, all IDs would be checked for beer purchases, training is conducted each month specifically on how to spot a fake ID, there is a room available for parties, new employees are trained, all IDs will be checked for beer purchases, and intoxicated persons will not be sold beer.

Having no further questions, Ms. Solmonson moved, seconded by Ms. Scott, to approve the beer permit and the manager application and the motion carried unanimously.

**NEW MANAGER APPROVAL APPLICATIONS**

**Ashley Elizabeth Tyler**

**Additional Manager**

**Ruby Tuesday**

**375 S. Illinois Avenue**

Ms. Tyler was present to discuss her additional manager application. In response to questions by the Board, Ms. Tyler provided the following information: her managerial responsibilities include everything, she is trained and has an ABC card, she is responsible for about twenty servers, new employees are given sixty days to obtain an ABC card (unless the employee has had a card in the past and then there is no grace period), and she is aware of the responsibility to monitor activity in the parking lot.

Having no further questions, Secretary Bailey moved, seconded by Ms. Scott, to approve the manager application and the motion carried unanimously.

**SHOW CAUSE HEARINGS**

**Show Cause Hearing # 2013-06**

**Hacienda DeGollado**

**212 S. Illinois Avenue**

**Class "C" Beer permit # 1355, Approved: 2/11/08**

**Owners: Hacienda DeGollado LLC (Eduardo Ayala, Christian Munoz, Salvador DeLaCerde, Juan Antonio Ayala, and Jesus Ayala)**

**Manager: Christian Munoz (Approved 2/11/08)**

Chairman Tedford swore in all witnesses. Special Agent Derrick Dalton was present for the City. Christian Munoz and Eduardo Ayala were present for Hacienda.

Special Agent Dalton stated the Tennessee Alcoholic Beverage Commission conducted a minor compliance check on March 18, 2013. During this check, an employee of Hacienda did not check the underage confidential informant's ID and sold him a Miller Lite bottled beer. The employee was cited to General Sessions Court, received judicial diversion, 100 hours of community service, and probation until

June 2014. The establishment was issued a civil penalty of \$1500 by the State, which was paid. Mr. Munoz and Mr. Ayala did not have any questions for Special Agent Dalton.

Secretary Bailey asked what actions have been taken by the establishment since the unlawful sale of beer to a minor. Mr. Ayala and Mr. Munoz stated they have required training of employees, the employee who sold the beer was new, and this was their only incident in six years, however, they also stated they were at the hearing to be responsible for the actions that occurred. Ms. Scott inquired about personnel and was told there are four servers during the week (five on weekends), one bartender, all employees are and were ABC certified, and the new employee who sold the beer to the minor had only been working for two weeks but had an ABC card. Ms. Solmonson stated the Board had a responsibility to the citizens to ensure the rules were followed and asked what assurance the business could provide that this would not happen again. Mr. Ayala stated they do their best to ensure employees will follow the rules.

Deputy Chief Massengill asked about the community service hours and Mr. Munoz stated the employee has already completed those hours at Goodwill. Ms. Scott asked how frequently are the rules explained to employees and the answer was daily each morning. Ms. Solmonson asked Deputy Chief Massengill if there had been any other issues with the business and he said no. Ms. Williams asked if employees were up to date on training and the answer was yes. Secretary Bailey asked if there were other compliance checks conducted by the State on this business. Special Agent Dalton stated he was not sure but the business should have been checked about four times prior and the business should have letters of compliance from the State.

Ms. Solmonson moved, seconded by Chairman Tedford, that the business had shown sufficient cause as to why the Board should not take negative action against the beer permit. The motion carried by a vote of 3 to 2 with Secretary Bailey and Ms. Scott voting against.

Secretary Bailey and Ms. Scott asked the business to voluntarily submit training records and Mr. Munoz stated he would do so within two weeks.

**Show Cause Hearing # 2013-07**  
**Oak Ridge Moose Lodge #1316**  
**103 N. Jefferson Avenue**  
**Class "D" Beer permit # 984, Approved: 4/11/88**  
**Owners: Membership Based**  
**Manager: James M. Leitnaker, Jr. (Approved 1/9/12)**

Chairman Tedford swore in all witnesses. Special Agent Derrick Dalton was present for the City. Mr. Leitnaker was present for the Moose. Four audience members were also present for this hearing on behalf of the Moose but did not speak at the hearing.

Special Agent Dalton stated the Tennessee Alcoholic Beverage Commission conducted a minor compliance check on March 18, 2013. During this check, a member of the Moose allowed non-guests inside the private club and signed them in as guests, which is a violation of State regulations. Additionally, the underage confidential informant's ID was not checked and he was sold a Bud Lite bottled beer. The State issued a civil penalty of \$2000 (\$500 for allowing a non-member entry and \$1500 for the sale of beer to a minor). The penalty was paid.

Chairman Tedford asked if the employee is still working there and the answer was no. Chairman Tedford also asked if the member who signed the non-guests in as "guests" was still a member and the answer was yes but Mr. Leitnaker said Moose rules do not allow him to take further action against the member. Mr. Leitnaker stated he often discusses the rules with members but the rules were not followed.

When asked, Mr. Leitnaker stated the employees (there are four) are trained and documentation of such training is posted in the lodge, but the employee who sold the beer was only on his third shift. Also, when asked, Mr. Leitnaker said the member who allowed the non-guests inside has been a member for many years (maybe fifteen to twenty).

Secretary Bailey moved, seconded by Ms. Scott, that the Moose had not shown sufficient cause as to why the Board should not take negative action. The Board discussed the motion. Secretary Bailey stated it was his intent to request a one week suspension with no civil penalty which would allow the establishment time to emphasize the rules to the membership since the problem appears to be an issue with members following the rules. Ms. Scott agreed stating that the members should have known the rules but failed to follow them. Ms. Solmonson asked Deputy Chief Massengill if there were other issues and his response was no. Deputy Chief Massengill elaborated that private clubs usually take care of their own issues and only call the police if things get out of hand. Chairman Tedford stated this would give time to get the point across to the members to follow the rules. The motion carried unanimously.

Secretary Bailey moved, seconded by Ms. Scott, to impose a seven day suspension beginning at 12:01 a.m. on Monday, October 21, 2013 and ending at 11:59 p.m. on Sunday, October 27, 2013, and the motion carried unanimously.

The Board asked how the Police Department would ensure compliance with the suspension since the lodge is private and Mr. Leitnaker stated Deputy Chief Massengill would be welcome. Mr. Leitnaker stated this may wake up some members but it will also hurt the lodge's community service activities.

## **NEW / OLD BUSINESS**

### **Possible Ordinance Amendment –Training Requirements**

The Board discussed proposed language to amend the City Code to require formal training of all employees prior to serving/selling beer. The proposed language was based upon Anderson County's training requirements for beer permit holders with the following exceptions: (1) require training every three years and (2) delete the requirement for the Board to approve the training courses.

There was concern voiced by Ms. Solmonson about the burden on the businesses to require formal training. Ms. Williams voiced concern that businesses needed formal training as did Secretary Bailey. The Board discussed whether there should be a grace period for new employees to obtain formal training and if such employees would be allowed to sell/serve beer during that period. After much discussion, Secretary Bailey moved, seconded by Ms. Scott, to allow a thirty day grace period for new employees to obtain formal training but to also allow those employees to sell/serve beer under the supervision of a certified employee. The motion carried by a vote of 4 to 0 with Ms. Solmonson abstaining.

The Board also discussed a way to amend the language to make it clear that owners (permittees) would be required to have the training as well. Ms. Dunn suggested the language be changed from requiring "employees" to requiring any "person" to be trained which would cover the permittee. Secretary Bailey moved, seconded by Ms. Scott, to amend the language accordingly and the motion carried by a vote of 4 to 0 with Ms. Solmonson abstaining.

The proposed language, as amended, will be brought back at the next meeting for consideration.

**Anderson County Underage Drinking Task Force**

Ms. Scott attended the Anderson County Underage Drinking Task Force inaugural meeting and planning session on September 24, 2013 and gave a verbal report to the Board. Ms. Scott stated it was a good meeting with opinions from all over the county. She stated Oliver Springs showed that their Board used the Tennessee Alcoholic Beverage Commission to conduct sting operations. All violators were before the board on the same day and all were fined. Problems seemed to be resolved after the board took firm action.

Deputy Chief Massengill stated it takes staffing to conduct sting operations and Chairman Tedford stated it also took agreement by the Juvenile Court Judge. Ms. Williams stated she was also at the meeting and the area cities wanted some uniformity in how beer boards took action.

Michael Foster, Allies for Substance Abuse Prevention, said he was at the meeting and Attorney General Dave Clark said he would like uniformity between the local governments in what action is taken against violations of beer rules. Mr. Foster invited the Board to the next meeting of the Task Force on October 24<sup>th</sup>.

**ADJOURNMENT**

Meeting adjourned at 1:26 p.m. upon agreement of all members present.

Respectfully submitted,

(Signature on official copy)

Barton Bailey, Secretary