

**MINUTES OF THE
OAK RIDGE BEER BOARD**
Regular Meeting and Show Cause Hearings

Municipal Building Courtroom
Tuesday, October 7, 2014
6:00 p.m.

PRESENT: Secretary Bailey, Colin Colverson, Theresa Scott, Debra Solmonson, and Wendy Williams

ABSENT: Chairman Randy Tedford and Darren Osborne

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

AUDIENCE MEMBERS: Michael Foster, Allies for Substance Abuse Prevention
John Huotari, Oak Ridge Today; Sara Wise, The Oak Ridger

TRANSCRIPTIONIST: Joan Roberts

ROLL CALL/ATTENDANCE

In the absence of the chair, Ms. Dunn called the meeting to order at 6:02 p.m. All members were present except Chairman Tedford and Darren Osborne both of whom notified the Legal Department of their expected absence.

ACTING CHAIRPERSON

Ms. Scott moved, seconded by Ms. Solmonson, to elect Secretary Bailey as the Acting Chairperson and the motion carried unanimously.

APPROVAL OF MINUTES

Acting Chairman Bailey moved, seconded by Mr. Colverson, to postpone approval of the minutes until after the conclusion of the show cause hearings and the motion carried unanimously.

APPLICATIONS FOR NEW BEER PERMITS AND ASSOCIATED MANAGER APPROVAL APPLICATIONS

Application #1506
Jefferson Terminal Bar
Gerald Lynn Britt, Owner/Manager
102 Jefferson Terminal Road
Class C Permit

Mr. Britt was present to discuss the beer permit application. Ms. Dunn explained the background check information and life safety compliance were pending, and, if approved, Mr. Britt would also need to show proof of the business name change and ownership. Mr. Britt explained he was just changing the business name. The Board discussed with Mr. Britt the importance of monitoring the parking lot, not over-serving, and checking IDs. Mr. Britt stated he understood and his employees have been trained through ASAP.

Mr. Colverson moved, seconded by Acting Chairman Bailey, to approve the beer permit and manager application subject to the background check, life safety inspection, and proof of ownership (name change) and the motion carried unanimously.

Application #1507

Ridge Runner's Bar & Grill
Pamela Dean Bunch, Owner/Manager
259 Warehouse Road
Class C Permit

Ms. Bunch was present to discuss her beer permit application, along with George Buxton, attorney for the property owner David Alison. The Board discussed with Ms. Bunch her experience in selling/serving beer and her training. When asked what the expected timeline was for opening this business, Ms. Bunch stated it was complicated. Mr. Buxton explained there was a detainer warrant for Mr. Robinette (current tenant at this location). Curtis Bell, attorney for Mr. Robinette, stated Mr. Robinette was in the first year of a five year lease with Mr. Alison, that court action was pending on the detainer warrant, and he felt Ms. Bunch had gotten "the cart before the horse" in applying for a beer permit at this location.

The Board explained their only role is to determine whether an applicant is qualified to hold a beer permit and whether they understand their responsibilities. It was also explained that a Board-approved beer permit is not valid unless and until the business opens under that business name, under the designated ownership, and at the designated location. Mr. Bell understood and thanked the Board for letting him speak.

The Board discussed with Ms. Bunch some prior concerns at this location—such as noise complaints—which Ms. Bunch said she was aware of.

Mr. Colverson moved, seconded by Acting Chairman Bailey, to approve the beer permit and manager application subject to the background check, life safety inspection, and proof of ownership and the motion carried by a vote of 4-to-0 with Ms. Williams abstaining from the vote.

NEW MANAGER APPROVAL APPLICATIONS

None

SHOW CAUSE HEARINGS

Show Cause Hearing # 2014-07

New China Palace
123 Central Avenue
Class "C" Permit #1475, Approved 4/8/13
Owner/Manager: Cheng Ping Ren

Mr. Ren and his attorney, James Normand, were present at the hearing. Acting Chairman Bailey swore in the witnesses and explained the reason for the hearing. Special Agent Derrick Dalton gave a brief synopsis of the Tennessee Alcoholic Beverage Commission's (TABC) June 9, 2014 minor compliance check where an employee of the New China Palace sold beer to an underage purchaser without checking the patron's ID. Special Agent Dalton stated this was a first offense and the \$1500 penalty was promptly paid to the TABC.

The agenda packet for the New China Palace hearing was placed as an exhibit to the transcript of the hearing, along with Mr. Ren's written response submitted to the Board during the hearing.

The Board, Mr. Ren, and Mr. Normand discussed the actions taken by the New China Palace in response to the sale of beer to an underage purchaser. The New China Palace implemented new policies, re-trained all employees through ASAP, and restricted the server to non-beer sales.

Ms. Solmonson moved, seconded by Ms. Scott, that the New China Palace had shown sufficient cause for the Board to not take any negative action against the beer permit and the motion carried unanimously.

Show Cause Hearing # 2014-08

Outback Steakhouse #4326

402 S. Illinois Avenue

Class "C" Permit #1427, Approved 5-9-11

Owner: Outback Steakhouse of Florida, LLC

Manager: Christopher Lynn Borden, Approved 2/10/14

Mr. Borden was present at the hearing. Acting Chairman Bailey swore in the witnesses and explained the reason for the hearing. Special Agent Derrick Dalton gave a brief synopsis of the Tennessee Alcoholic Beverage Commission's (TABC) June 9, 2014 minor compliance check where an employee of Outback sold beer to an underage purchaser after checking the patron's ID. Special Agent Dalton stated this was a first offense and the \$1500 penalty was promptly paid to the TABC.

The agenda packet for Outback hearing was placed as an exhibit to the transcript of the hearing, which included Mr. Borden's written response submitted to the Board in the agenda packet.

The Board and Mr. Borden discussed the actions taken by Outback in response to the sale of beer to an underage purchaser. Outback terminated the employee immediately due to their zero tolerance policy, implemented a new policy to require an ID for all alcohol purchases, partnered with Pouncey Partners with TopShelf for ID checking, discussed the ID policy at staff meetings, posted the policy in the restaurant for employees, and is utilizing the ID check guides.

Ms. Solmonson moved, seconded by Ms. Scott, that Outback had shown sufficient cause for the Board to not take any negative action against the beer permit and the motion carried unanimously.

Show Cause Hearing # 2014-09

Riverside Grill

100 Melton Lake Peninsula

Class "C" Permit #1454, Approved 5/14/12

Owners: Richard Chinn Jr. and Ryan Chinn

Manager: Eric Hux, Approved 5/14/12

Mr. Hux and Paul Delahunt (Director of Operations) were present at the hearing. Acting Chairman Bailey swore in the witnesses and explained the reason for the hearing. Special Agent Derrick Dalton gave a brief synopsis of the Tennessee Alcoholic Beverage Commission's (TABC) June 9, 2014 minor compliance check where an employee of Riverside sold beer to an underage purchaser without checking the patron's ID. Special Agent Dalton stated this was a second offense and a seven day suspension of the liquor license was imposed. Ms. Dunn explained this is a first offense before the Board.

The agenda packet for Riverside hearing was placed as an exhibit to the transcript of the hearing, which included Mr. Delahunt's written response submitted to the Board in the agenda packet.

The Board and Mr. Delahunt discussed the actions taken by Riverside in response to the sale of beer to an underage purchaser. Riverside terminated the employee immediately due to not respecting their policy, conducted a full staff meeting five days later, had employees sign the policies, now requires all patrons to show an ID when purchasing alcohol/beer, conducts spot checks by managers, and posted signage.

Ms. Scott moved, seconded by Mr. Colverson, that Riverside had shown sufficient cause for the Board to not take any negative action against the beer permit and the motion carried unanimously.

APPROVAL OF MINUTES

Acting Chairman Bailey moved, seconded by Mr. Solmonson, to approve the minutes for August 11, 2014; August 28, 2014; September 16, 2014 (two sets); and October 2, 2014; and the motion carried unanimously.

NEW / OLD BUSINESS

Reports from Oak Ridge Police Department (if any)

None

Lincoln's

At the Board's request, an update on the appeal filed by Lincoln's was given by Ms. Dunn. Ms. Dunn explained the Petition for Writ of Certiorari was filed by Lincoln's and the Chancellor signed the Agreed Order. Ms. Dunn stated a trial date had not been set yet.

Possible Change of Meeting Dates/Times

Acting Chairman Bailey moved, seconded by Ms. Scott, to table this discussion until all members could be present for discussion, and the motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 7:40 p.m. upon motion of Acting Chairman Bailey, seconded by Mr. Colverson, and unanimously approved.

Respectfully submitted,

(Signature on official file copy)

Barton Bailey, Secretary