

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

Municipal Building Training Room – Room 104
Monday, November 18, 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
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.

APPROVAL OF MINUTES

Secretary Bailey moved, seconded by Ms. Solmonson, to approve the minutes of the October 14, 2013 meeting and the motion carried 5-0 with Mr. Colverson abstaining due to his absence at the October 14, 2013 meeting.

APPLICATIONS FOR NEW BEER PERMITS AND THEIR ASSOCIATED MANAGER APPROVALS

None

NEW MANAGER APPROVAL APPLICATIONS

None

SHOW CAUSE HEARINGS

Show Cause Hearing # 2013-08

Aubrey's Inc.

481 S. Illinois Avenue

Class "C" Beer Permit # 1463, Approved: 10/8/2012

Owner: Aubrey Burleson

Managers: Aubrey Burleson and Jody Slimp (Approved 10/8/2012)

Chairman Tedford swore in all witnesses. Special Agent Derrick Dalton was present for the City. Aubrey Randy Burleson, owner; Jody Slimp, manager; Mark Liggett, Operations; and Cody Brooks, employee, were present for Aubrey's.

After Chairman Tedford explained the process for the hearing, Special Agent Derrick Dalton with the Tennessee Alcoholic Beverage Commission testified for the City. Special Agent Dalton stated the Tennessee Alcoholic Beverage Commission conducted a minor compliance check on March 18, 2013. During this check, Cody Brooks, an employee of Aubrey's, checked the underage confidential informant's ID (who was 19) and sold him a Bud Light draft beer. Ms. Brooks was cited to General Sessions Court. The establishment was issued a citation and paid a civil penalty of \$1500 to the State. Special Agent Dalton stated this was the first violation for this location. Secretary Bailey asked what the violation history has been with Aubrey's in general. Special Agent Dalton stated the business has always been forthcoming and helpful.

Chairman Tedford asked the business representatives what measures had been taken to prevent this from occurring in the past. Mr. Burleson, owner, stated they have hired a company to conduct mystery shopping twice a month at all locations. Additionally, the business will hold quarterly meetings and education beginning in January with specific focus on underage patrons and consumption.

Ms. Scott inquired of Ms. Brooks' status as an employee. Mr. Burleson stated she is still employed and has been an educator for the business. Mr. Liggett stated Ms. Brooks was suspended for two weeks but has become somewhat of an ambassador to other employees.

Mr. Colverson asked Ms. Brooks about the ID. Ms. Brooks stated there was nothing weird and that she did not do the math correctly on the date of birth. She stated she is now very careful about it. Mr. Burleson stated he has had three occasions in the past ten years at all of his restaurants where calculating age is a factor. He stated employees often subtract twenty years from the date of birth and then add back in one year instead of subtracting an additional year. Michael Foster with Allied for Substance Abuse Prevention offered the overlay cards free of charge.

Having nothing further, Mr. Colverson moved, seconded by Ms. Scott, that Aubrey's had shown sufficient cause as to why the Board should not take any negative action against the beer permit and the motion carried unanimously.

Secretary Bailey then asked Aubrey's if they would mind forwarding their current training records to the City. Mr. Burleson said he would provide copies of their ABC cards.

Show Cause Hearing # 2013-10

Ruby Tuesday Restaurant

375 S. Illinois Avenue

Class "C" Beer Permit # 1151, Approved: 11/8/1993

Owner: Ruby Tuesday, Inc. (RTI)

Managers: Matthew Morrison (Approved 12/10/2012) & Ashley Tyler (Approved 10/14/13)

Chairman Tedford swore in all witnesses. Special Agent Derrick Dalton was present for the City. Thad Hashbarger, Operations, and Ashley Tyler, Manager, were present for Ruby Tuesday's.

After Chairman Tedford explained the process for the hearing, Special Agent Derrick Dalton with the Tennessee Alcoholic Beverage Commission testified for the City. Special Agent Dalton stated the Tennessee Alcoholic Beverage Commission conducted a minor compliance check on March 18, 2013. During this check, an employee of Ruby Tuesday's, checked the underage confidential informant's ID (who was 19) and sold him a Bud Light draft beer. The establishment was issued a citation and paid a civil penalty of \$1500 to the State. Special Agent Dalton stated this was the first violation for this location since 2002.

Chairman Tedford asked the business representatives what measures had been taken to prevent this from occurring in the past. Mr. Hashbarger stated they have partnered with Pouncey Partners to provide training classes and that he is becoming certified as a trainer himself. He also stated the last class they had was September 7, 2013 and provided a list of employees who attended. He also stated they are using the layover cards from Ms. Pouncey to help properly ID a patron and he has already ordered the cards for 2014. He also explained changes to the process for beer sales: All employees must write the date of birth on the ticket along with the expiration date for the license. This information goes to the bartender for verification prior to the drink being prepared. If the license is listed as "under 21" the license must be shown to a manager for verification. If an employee sells beer to a minor, the employee is terminated by company policy. If an employee violates the new process for beer sales, the employee is terminated on the second offense. He also explained new training requirements for employees.

Ms. Scott asked where Mr. Morrison was and Mr. Hashbarger stated he is no longer employed. Additionally, there was a change in management after this event.

Having nothing further, Secretary Bailey moved, seconded by Ms. Solmonson, that Ruby Tuesday's had shown sufficient cause as to why the Board should not take any negative action against the beer permit and the motion carried unanimously.

NEW / OLD BUSINESS

Possible Ordinance Amendment –Training Requirements

This item is a continuation from the prior meeting. The Board reviewed proposed language for a new training requirement similar to Anderson County's 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.

After reviewing the changes from the last meeting, Secretary Bailey moved to change the word "person" back to the word "employee" and to define the term "employee" for the purposes of this section as "any person involved in the sale of alcoholic beverages, including owners and managers." Ms. Scott seconded the motion and the motion carried unanimously.

The Board continued to discuss the purposes of changing the training requirement (promote education, prevent underage consumption, prevent intoxicated persons from harming themselves or others, etc.). There was also some discussion of whether the cost of training would be burdensome on mom and pop stores. There was also discussion on whether the City could provide free or minimal cost training to employees of beer establishments in Oak Ridge. After much discussion, Mr. Colverson moved, seconded by Ms. Solmonson, to postpone discussion on this item until there could be further study on the costs and benefits associated with the administrative process of requiring training by other municipalities. The motion carried by a vote of 4 to 2 with Secretary Bailey and Ms. Scott voting against.

At this time, Mr. Colverson left to attend another meeting.

Police Report – Lincoln’s Sports Grille

Deputy Chief Massengill reported to the Board a physical disturbance by an intoxicated patron that occurred at Lincoln’s on November 2, 2013. According to the police report, the officer spoke to an employee of Lincoln’s regarding the disturbance. The employee told the officer the patron had been cut off several times yet still managed to obtain alcoholic beverages and appeared to be over-served. These statements, as well as the officer’s observation of the level of intoxication of the patron, caused the officer to forward the report for review by the Board.

Ms. Scott moved, seconded by Ms. Solmonson, to hold a show cause hearing for Lincoln’s at the next regular meeting for this disturbance involving an intoxicated patron and the motion carried unanimously by a vote of 5 to 0. Mr. Colverson was absent for this vote. As part of the motion, Ms. Scott requested the presence of the owners, the manager, the server, and the employee who talked with the officer, and requested they bring video from that night and a copy of the patron’s beer tab.

Moose Lodge

Ms. Scott asked Deputy Chief Massengill if there were any issues with the suspension of the Moose Lodge. Deputy Chief Massengill stated he did not know, but that the information was passed on to patrol to check the business during the suspension. Ms. Dunn stated Mr. Leitnaker, Jr. informed the City he is no longer the manager of the establishment.

Market House

Ms. Scott inquired about The Market House’s closure and the Halloween party they advertised after announcing closure of the business. Ms. Dunn stated the City determined the beer permit was valid until after the party due to a review of their statements made on Facebook. Deputy Chief Massengill reported there were no issues with the party from law enforcement. Ms. Dunn stated there will be a new application at the next meeting for a business at this location.

ADJOURNMENT

Meeting adjourned at 1:10 p.m. upon agreement of all members present.

Respectfully submitted,

(Signature on official copy)

Barton Bailey, Secretary