

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

Municipal Building Courtroom  
Thursday, August 28, 2014  
6:00 p.m.

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

ABSENT: Colin Colverson

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  
Bob Fowler, Knoxville News Sentinel; John Huotari, Oak Ridge Today; Sara Wise, The Oak Ridger; Nang Crossno, Back 2 Brewski's; and other unknown attendees

TRANSCRIPTIONIST: Joan Roberts

**ROLL CALL/ATTENDANCE**

Chairman Tedford called the meeting to order at 5:59 p.m. All members were present except Colin Colverson who notified the Legal Department of his expected absence.

**SHOW CAUSE HEARINGS**

**Show Cause Hearing # 2014-04**

Oak Ridge Moose Lodge #1316 (Loyal Order of the Moose)  
103 N. Jefferson Avenue  
Class "D" Permit #984, Approved 4/11/1988  
Owners: Membership Based  
Manager: Carl Kelly Smith (4/14/14)

Chairman Tedford called the Show Cause Hearing to order and swore in the following witnesses: Carl Smith, Manager of the Moose Lodge; Randy Wishinsky, Member of the Moose Lodge; and Derrick Dalton, Special Agent for the Tennessee Alcoholic Beverage Commission.

At the Chairman's request, Special Agent Dalton gave a brief synopsis of the Tennessee Alcoholic Beverage Commission's (TABC) recent minor compliance check conducted in Oak Ridge. Special Agent Dalton testified as follows: The Moose Lodge sold an alcoholic beverage to the TABC's minor purchaser—a 19 year old female—after checking the minor's valid ID. A citation was issued. This is the second violation for sale to a minor by the Moose Lodge. An agreed order with the TABC was signed by the Moose Lodge resulting in a 15-day suspension of the liquor license. The suspension was in effect July 13-27, 2014.

The Moose Lodge responded by testimony of Mr. Wishinsky and Mr. Smith. Mr. Wishinsky stressed the history of the Moose Lodge and their community service. Mr. Wishinsky also questioned how the bartender could have missed the "red stripe" on the driver's license, but asked for leniency and stated it would not happen again.

Special Agent Dalton testified the minor showed her valid driver's license, which is a requirement by state law. Further, Special Agent Dalton testified the driver's license shows a red box around the photograph and the side of the license indicates upon what date the minor will turn 21.

Mr. Smith testified new procedures were put into place by the Moose Lodge after this incident. Mr. Smith gave the Board a printed original of the procedures, which have been signed by the bartenders. At that time, the document was made an exhibit (Exhibit 1) to the transcript and the Board's agenda packet information for Moose Lodge was made an exhibit (Exhibit 2) as well.

Mr. Smith stated the business has had no problems with the police, they participate in community events, and will take patrons home if they've had too much to drink. Mr. Smith stated mistakes do happen and they are just trying to keep their doors open. Mr. Smith also stated the employee was given 90 days probation and suspended for 2 weeks.

The Board stated this was the second offense for sale to a minor in two years; however, this offense was under a new manager.

Ms. Solmonson moved, seconded by Secretary Bailey, that the Moose Lodge had shown sufficient cause as to why the Board should not take action against the beer permit. The motion carried 5-1 with Mr. Osborne voting against.

Chairman Tedford stated he expected their efforts to continue and he appreciated that the establishment was prompt in making changes. Chairman Tedford closed this hearing at 6:15 p.m. and the Board took a five minute break.

#### **Show Cause Hearing # 2014-05**

Lincoln's Sports Grille

119 S. Illinois Avenue

Class "C" Permit #1406, Approved 8/9/10

Class "B" Permit #1439, Approved 11/14/11 (for catering only)

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

Manager: Victoria Renee Ballard (7/14/14)

Chairman Tedford called the Show Cause Hearing to order and swore in the following witnesses: Roy McKinnon, Consultant for Lincoln's; Victoria Ballard, Manager of Lincoln's; and Derrick Dalton, Special Agent for the Tennessee Alcoholic Beverage Commission.

At the Chairman's request, Special Agent Dalton gave a brief synopsis of the TABC's recent minor compliance check conducted in Oak Ridge. Special Agent Dalton testified as follows: Lincoln's sold beer to the TABC's minor purchaser—a 19 year old female—after checking the minor's valid ID. A citation was issued. This is the second violation for sale to a minor by Lincoln's. The matter is still pending before the TABC.

Mr. McKinnon testified that the sale occurred at shift change on a busy night. Mr. McKinnon stated that a discussion of checking IDs took place that night with employees at shift change. Mr. McKinnon stated the employee was ABC certified and this was human error. Mr. McKinnon addressed changes Lincoln's had previously taken to change such as securing the entrances, addressing the patio issues, and nightly entertainment changes.

Ms. Williams stated the changes do not seem to have the desired result. Mr. McKinnon disagreed. Ms. Scott inquired the time of shift change (Mr. McKinnon responded 4:30 p.m.) and the time of the sale (Special Agent Dalton responded 5:29 p.m.). Ms. Scott expressed her concern that the manager on duty at the time of the sale was not present for the hearing.

Chairman Tedford inquired if the manager on duty is responsible for overseeing all beer sales. Mr. McKinnon stated that would be unreasonable due to the high volume of alcohol sales that take place daily, which he estimated between \$3,900–\$4,200. Mr. McKinnon stated it is the manager's responsibility to monitor the floor.

Ms. Williams asked what Lincoln's had done since this incident. Mr. McKinnon responded the staff had "flipped," that Lincoln's passed their recent TABC audit with all servers being certified, and Lincoln's did not have a flippant attitude toward alcohol sales.

Ms. Solmonson inquired whether disturbances had decreased. After being sworn in, Deputy Chief Massengill responded he had no records of recent disturbances. Chairman Tedford noted this incident occurred a few hours after the Board had issued a two week suspension that was to take effect later that same evening. Mr. McKinnon responded that the employee failed in her process of properly checking an ID. Ms. Solmonson asked if the show cause (two-week suspension) was discussed with employees. Ms. Ballard stated it was discussed that night, however, it was discussed the next morning with all employees.

Mr. Osborne inquired about the status of the employee. Mr. McKinnon stated she was given an immediate 96 hour suspension. Mr. McKinnon stated she was not terminated, but she chose to resign about 7 -10 days after the incident.

Ms. Williams asked why the matter was still pending with the TABC. Mr. McKinnon stated the business offered a voluntary 15-day suspension but that conversation was still pending with Nashville. Special Agent Dalton stated that was correct and the TABC wanted to come to Lincoln's to see what changes had taken place.

Ms. Scott explained some members of the public were fed up with the situation at Lincoln's and had contacted her about it. Ms. Scott stated Lincoln's always seemed to have an excuse when brought before the Board for a show cause hearing. Ms. Scott noted Lincoln's had been before the Board for five show cause hearings in the last 16 months, and twice for underage sales.

Secretary Bailey asked Lincoln's whether they would have voluntarily suspended their beer permit along with a liquor license suspension. Mr. McKinnon stated it would finish Lincoln's if both were suspended simultaneously.

Ms. Williams moved, seconded by Ms. Scott and Ms. Solmonson, that—taking into consideration Lincoln's overall history—Lincoln's had not shown sufficient cause as to why the Board should not take action against the beer permit. The motion carried unanimously.

Chairman Tedford stressed public safety and that underage consumption goes hand-in-hand with other problems. Chairman Tedford stated no other business could survive five show cause hearings and he does not know how Lincoln's could resolve this issue to his satisfaction.

Chairman Tedford moved, seconded by Ms. Solmonson, to revoke the beer permits for Lincoln's and the motion carried 4-2, with Secretary Bailey and Ms. Osborne voting against.

Chairman Tedford stated revocation is effective immediately and all beer must be shielded from public view. Chairman Tedford stated the revocation is valid for the business for one year. Further, no beer permit may be issued at this location for a period of one year.

**ADJOURNMENT**

The meeting adjourned at 6:52 p.m. at the conclusion of the last show cause hearing

Respectfully submitted,

Barton Bailey, Secretary  
*(Signature on official document in City Clerk's  
Office)*