



Agenda for the Meeting of Brentwood Beer Board
Thursday, June 14, 2018 - 5:00 pm
Brentwood City Hall

Call to Order by Mayor
Roll Call

Approval of Minutes

May 14, 2018

Old Business

1. Other old business

New Business

1. Beer Law Violation Hearing - 55 South, 7031 Executive Center Drive
2. Beer Law Violation Hearing - Brick's Cafe & Bistro, LLC, 330 Franklin Road
3. Beer Law Violation Hearing - Hanabi Japanese Restaurant, 214 Ward Circle
4. Beer Law Violation Hearing - Jefferson's Restaurant, 214 Ward Circle
5. Beer Law Violation Hearing - Local Taco, 146 Pewitt Drive
6. Beer Law Violation Hearing - Stout Burgers and Beers, 400 Centerview Drive
7. Other new business

Kirk Bednar
City Manager

Anyone requesting accommodations due to disabilities should contact Mike Worsham, A.D.A. Coordinator, at 371-0060, before the meeting.

Brentwood Beer Board Agenda

Meeting Date: 06/14/2018

Submitted by: Holly Earls, Administration

Department: Administration

Information

Subject

Approval or correction of minutes from the May 14, 2018 meeting

Background

Staff recommendation

Attachments

Draft Minutes

DRAFT

MINUTES OF MEETING OF BRENTWOOD BEER BOARD

BRENTWOOD, TENNESSEE

The Brentwood Beer Board met on Monday, May 14, 2018 at 6:45 pm at Brentwood City Hall.

Present: Mayor Jill Burgin; Vice Mayor Mark Gorman; Commissioner Betsy Crossley; Commissioner Anne Dunn; Commissioner Rhea Little; Commissioner Regina Smithson; Commissioner Ken Travis

Staff Present: City Manager Kirk Bednar; Assistant City Manager Jay Evans; City Attorney Kristen Corn; City Recorder Holly Earls

Approval of Minutes

April 23, 2018

Moved by Vice Mayor Mark Gorman for approval of the minutes as written, seconded by Commissioner Anne Dunn

Vote: 6 - 0 Approved

Other: Commissioner Rhea Little (Abstain)

Old Business

Request from BL Restaurant Operations, LLC for special event beer permit for Bar Louie at the Nashville Golf Open benefiting Snedeker Foundation, Nashville Golf & Athletic Club

Moved by Commissioner Regina Smithson for approval, seconded by Commissioner Betsy Crossley

Vote: 7 - 0 Approved - Unanimously

New Business

Request from Chuy's Tex Mex for special event beer permit at the Nashville Golf Open benefiting Snedeker Foundation, Nashville Golf & Athletic Club

Moved by Commissioner Ken Travis for approval, seconded by Commissioner Betsy Crossley

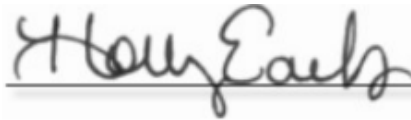
Vote: 7 - 0 Approved - Unanimously

Request from Tri-Star Energy, LLC for off premises beer permit at Twice Daily #7123, 7112 Moores Lane (change in name of business)

Moved by Vice Mayor Mark Gorman for approval, seconded by Commissioner Anne Dunn

Vote: 7 - 0 Approved - Unanimously

APPROVED: _____

A handwritten signature in dark ink, appearing to read "Holly Earls", written over a horizontal line.

Holly Earls, City Recorder

Brentwood Beer Board Agenda

Meeting Date: 06/14/2018

Submitted by: Holly Earls, Administration

Department: Administration

Information

Subject

Beer Law Violation Hearing - 55 South, 7031 Executive Center Drive

Background

In conjunction with a joint operation carried out by the Brentwood Police Department and the Tennessee Alcoholic Beverage Commission, an underage informant purchased beer at 55 South on February 27, 2018, at approximately 8:00 p.m. The employee who served the informant has been charged with a Class A misdemeanor. Separately, the Brentwood Beer Board is empowered to take action against the restaurant for violating Tennessee law and/or the Brentwood Municipal Code.

A summons (copy attached) was served on the manager of 55 South on April 17, 2018, requiring an appearance before the Beer Board on June 14, 2018 at 5:00 p.m.. A suggested procedural format used in previous Beer Board proceedings is also attached. A questionnaire was received from the permit holder indicating that the permit holder does not wish to contest the charges. It also includes documentation showing measures that were in place to prevent the sale of beer to minors and subsequent measures that have been taken to prevent future occurrences.

Since 55 South is not contesting the charges, there is no need for an evidentiary hearing in this matter. To supplement the documentation provided to the City, representatives may also make statements to the Beer Board at the June 14 hearing. At the conclusion of the hearing, the Beer Board will then discuss and vote upon the appropriate penalty, if any, to be imposed.

For the sale of beer to a minor at this location, the Beer Board may suspend the beer permit. (If a permit holder has committed at least two violations within a 12-month period, the Beer Board may permanently revoke the beer permit. That is not the case in this matter.) At the time a suspension or revocation is imposed, state law authorizes the Beer Board to offer the permit holder the alternative of paying a civil penalty in lieu of the suspension or revocation. For the offense of selling beer to a minor, the civil penalty may not exceed \$2,500. If a civil penalty is offered as an alternative, a permit holder must pay the penalty within seven days; otherwise, the suspension or revocation will go into effect.

In 2002, the Beer Board adopted guidelines for penalties to be imposed when beer permit holders violate the beer laws. Those guidelines are also attached. The guidelines are intended to provide for consistency in the way beer law violations are handled, although the Beer Board has discretion to impose penalties other than those outlined in the guidelines.

Finally, when the sale of beer for on-premises consumption results in a suspension or revocation by a local beer board, state law requires that notification of the beer board's action be sent by certified mail to the Tennessee Alcoholic Beverage Commission (ABC). The ABC may then take further action against the permit holder.

Please contact the City Attorney if you have questions about this matter.

Staff recommendation

Attachments

Hearing Format
Summons & Incident Report
Penalty Guidelines
Beer Violations History
Questionnaire

BRENTWOOD BEER BOARD
June 14, 2018
Case No. BBB-2018-01
Violation Hearing - Procedural Format
55 South, 7031 Executive Center Drive

1. Chairman calls case number and permit holder's name: *Case No. BBB-2018-01, 55 South.*
2. Chairman asks permit holder's representative to step forward and identify him/herself.
3. Chairman reads the charges against the permit holder: *The Chief of Police and the City Manager of the City of Brentwood have brought the following charges: On the 27th day of February, 2018, your employee or agent, Rachel Audretch, unlawfully sold beer to a person under the age of 21 years at 55 South, located at 7031 Executive Center Drive.*
4. Chairman states: *In documents filed with the Beer Board, 55 South has indicated that it does not wish to contest the charges brought against it. We have also received documentation of measures that were in place to prevent the sale of beer to minors and subsequent measures that have been taken to prevent future occurrences. Do you have any further statements you wish to make to the Beer Board that related to this matter?*
5. Following the representative's statement (if any) the chairman and other members of the Beer Board (upon being recognized by the chairman) may ask questions of the representative.
6. Following questions and discussion by the Beer Board members, any member may move to impose a penalty (or that no penalty be imposed.) The penalty may be based on the penalty guidelines adopted by the Beer Board, or it may deviate from the guidelines at the Beer Board's discretion. A motion to suspend or revoke a permit should state the date on which the suspension or revocation is to be effective. Upon a second to the motion and any further discussion, a vote is taken on the motion. The motion passes if a majority of the board members present and voting vote for the motion.

**BEFORE THE BEER BOARD FOR THE CITY OF BRENTWOOD, TENNESSEE
NOTICE OF HEARING ON BEER LAW VIOLATIONS**

TO: Jason McConnell (or current manager)
55 South
7031 Executive Center Drive
Brentwood, TN 37027

Case No. BBB-2018-01

You are hereby summoned to appear before the Beer Board for the City of Brentwood, Tennessee on **June 14, 2018 at 5:00 p.m.**, at Brentwood City Hall, 5211 Maryland Way, Brentwood, Tennessee to then and there show cause, if any you have, why the beer permit of 55 South at 7031 Executive Center Drive, Brentwood, Tennessee, should not be suspended or why other disciplinary action should not be taken by said Beer Board for the following reasons, to wit:


On the 27th day of February, 2018 at approximately 8:00 p.m., your employee or agent, Rachel Audretch, unlawfully sold beer to a person under the age of twenty-one (21) years at 55 South at 7031 Executive Center Drive, within the corporate limits of the City of Brentwood, Tennessee, contrary to T.C.A. §57-5-301(a). Such unlawful sale of beer constitutes grounds for beer permit suspension under T.C.A. §57-5-108.

At the hearing referenced above, you are entitled to be represented by an attorney of your choice.

These proceedings are initiated at the request of the Chief of Police and the City Manager of the City of Brentwood, pursuant to the powers and duties assigned to them under the Charter of the City of Brentwood.


KIRK BEDNAR
City Manager


JEFF HUGHES
Chief of Police


KRISTEN L. CORN
City Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing notice has been served by hand delivery upon Jason McConnell (or current manager CARLE GEARON), c/o 55 South, 7031 Executive Center Drive, Brentwood, Tennessee 37027, on this the 4/17/18 day of April, 2018.



Brentwood Police Department



BRENTWOOD POLICE DEPARTMENT
5211 Maryland Way Brentwood, TN 37027
Phone (615) 371-0160 Fax (615) 371-2228

Case #
BPD-18-00572

INCIDENT REPORT

INCIDENT

Commonplace Name 55 SOUTH		Description of Incident UNDERAGE SALE OF ALCOHOLIC BEVERAGE		
Address 7031 EXECUTIVE CENTER DR	Apt 	City BRENTWOOD	State TN	Zip Code 37027
Date Reported 02/28/18 - 17:51 - Wed	Occurred From 02/27/18 - 20:00 - Tue	Occurred To 02/27/18 - 20:05 - Tue		
Cross Refer Case Number	Prosecute YES	ZONE BUSINESS	DISTRICT 3	

OFFENSES

Offense VIOLATION OF ALCOHOLIC BEVERAGE LAWS	Degree MISDEMEANOR
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PERSONS SUMMARY

Role	Role #	Name (Last Suffix, First Middle)	Race	Sex	DOB
SUSPECT	1	AUDRETCH, RACHEL ELIZABETH	W	F	09/30/1978

BUSINESSES SUMMARY

Name	Org #	Victim Type	Involvement Type
SOCIETY	1	SOCIETY / PUBLIC	Victim of Incident

OFFICERS

Involvement Type Approving	Officer Name ONEIL, DAVID E0555	Date 03/01/18 - 16:24 - Thu
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VICTIMS

ORGANIZATIONS

Org #: 1 VictimType: SOCIETY / PUBLIC

Organization Name SOCIETY	Commonplace Name
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INVOLVED PERSONS

SUSPECTS

Suspect #: 1		Arrested:						
Last Name AUDRETCH	First Name RACHEL	Middle Name ELIZABETH	Suffix 	Moniker 				
Date of Birth 09/30/1978	Age to 39	Age From 	Race WHITE	Sex FEMALE	Height 510	Weight 145	Hair Color BROWN	Eye Color BLUE
Main Address 500 GREEN ACRES DR	Apartment 	City FRANKLIN	State TN	Zip Code 37064	Country 			
Occupation Name 55 SOUTH	Occupation Description ALL OTHER							

BRENTWOOD POLICE DEPARTMENT CONTROLLED DOCUMENT - DO NOT DUPLICATE

Printed: 03/05/18 08:23

Printed By: BREEDLOVE, ADRIAN

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BRENTWOOD POLICE DEPARTMENT

5211 Maryland Way Brentwood, TN 37027
Phone (615) 371-0160 Fax (615) 371-2228

Case #

BPD-18-00572

INCIDENT REPORT

Occupation Address 7031 EXECUTIVE CENTER DR	Apartment	City BRENTWOOD	State TN	Zip Code 37027
License Number [REDACTED]	License State [REDACTED]	SSN [REDACTED]	BPID Number	Email
Hair Style	Hair Length	Complexion LIGHT	Build	Facial Hair
			Wears Glasses	

RELATED OFFENSE

NARRATIVE-

1. On February 27, 2018, BPD Detective Breedlove assisted agents of the Tennessee Alcoholic Beverage Commission (TABC) with an underage alcohol sales investigation. TABC agents used the assistance of a confidential informant (CI) under the age of 21, who attempted to purchase alcohol at a number of businesses within the city of Brentwood. The CI was under direct supervision of undercover TABC agents during each purchase attempt.
2. At approximately 8:00pm on 2/27/2018 the CI was served a can of Bold Rock hard cider at 55 South, located at 7031 Executive Center Drive. Bartender Rachel AUDRETCH did not check the CI's identification card, but served the CI the alcoholic beverage. The sale was witnessed by two TABC special agents working in an undercover capacity.
3. TABC enforcement agents approached AUDRETCH and identified themselves to her, and issued a State of Tennessee Misdemeanor Citation to her for the sale, which is a violation of TCA 57-4-203.
4. TABC agents also issued an administrative citation to the business for violations of TABC rules & regulations under TCA 57-4-203.
5. Detective Breedlove did not see the establishment's City of Brentwood Beer Permit displayed anywhere inside the business, so he asked the manager on duty where it was. The manager went to a non-public area of the business and retrieved the permit and showed it to Det. Breedlove, who then photographed the Beer Permit and later attached the photograph to this Incident Report.
6. This investigation is closed by exception - prosecuted by other agency.

BRENTWOOD POLICE DEPARTMENT CONTROLLED DOCUMENT - DO NOT DUPLICATE

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Printed By: BREEDLOVE, ADRIAN

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BRENTWOOD POLICE DEPARTMENT



5211 Maryland Way Brentwood, TN 37027
Phone (615) 371-0160 Fax (615) 371-2228

Case #
BPD-18-00572

INCIDENT SUPPLEMENT REPORT

Supplement #
.001

OFFICER

Involvement Type
Approving

Officer Name
ONEIL, DAVID E0555

Date
03/01/18 - 16:51 - Thu

NARRATIVE

1. Reference is made to the original Incident Report by Det. Breedlove in this investigative case file.
2. The purpose of this Supplement Report is to add the attached State of Tennessee Misdemeanor Citation, as well as the State of Tennessee Regulatory Citation(s) that were issued by agents of the Tennessee Alcoholic Beverage Commission (TABC) during the 2/27/2018 operation in Brentwood.
3. This investigation is closed due to being prosecuted by another jurisdiction (TABC).

BRENTWOOD POLICE DEPARTMENT CONTROLLED DOCUMENT - DO NOT DUPLICATE

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Printed By: BREEDLOVE, ADRIAN

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**BRENTWOOD BEER BOARD
PENALTY GUIDELINES
(Adopted April 22, 2002)**

The following guidelines are intended to provide standards to the Brentwood Beer Board in imposing penalties for violations of state or local beer laws and regulations in a fair, reasonable and consistent manner. These guidelines are not intended to dictate the penalty to be imposed, but rather to provide guidance to the members of the Board in their decisions. For each violation heard by the Beer Board, the Board will continue to have complete discretion to exercise any and all powers granted by state law and local ordinance. In each case, the Board may agree that a greater or lesser penalty should be imposed due to aggravating or mitigating circumstances.

In applying the penalties below, it is suggested that if no violations have occurred within the previous three years, the incident will be treated as a first violation. The “alternative” penalties set forth below would be allowed only if the Beer Board deems that the permit holder had appropriate training and/or other preventative measures in place to prevent violations of the beer laws, and that appropriate steps will be taken to prevent future violations. As a condition of the alternative penalty, the Beer Board may require the permit holder to submit documentation regarding training programs in place. It is suggested that the penalty period begin one week following the Beer Board’s decision, in order to provide time for the permit holder to comply with the conditions of the alternative penalty.

	<u>Penalty</u>	<u>Alternative</u>
First violation	<i>30 day suspension</i>	<i>One week suspension/post signs*</i>
Second violation	<i>45 day suspension</i>	<i>Two week suspension/post signs*</i>
Third violation	<i>60 day suspension</i>	<i>No alternative</i>
Fourth violation	<i>Revocation**</i>	<i>No alternative</i>

** See attached wording and specifications for sign to be posted at each entrance and on each beer cooler door.*

*** In order to impose revocation, there must be at least two violations within a 12-month period.*

Note: At the time of adoption of these guidelines, Tennessee law also provided that the Beer Board may offer a permit holder the alternative of paying a monetary penalty of up to \$1,500 for the sale of beer to a minor, or up to \$1,000 for other violations. The maximum penalty for the sale of beer to a minor was subsequently increased to \$2,500. However, the Tennessee General Assembly also created a “Responsible Vendor” program for off-premises beer permit holders. The permit of an off-premises permit holder who complies with this program may not be suspended or revoked. However, a monetary penalty not to exceed \$1,000 may be imposed on a “Responsible Vendor” for the sale of beer to a minor or any other offense.

NO BEER SALES

BEER WAS SOLD TO A MINOR
AT THIS LOCATION.
PERMIT SUSPENDED.

By order of the
City of Brentwood Beer Board.

{Above text to be printed in red lettering, with top line approximately 1 ½ inches tall; middle lines approximately 1 inch tall; and bottom line approximately 1 inch tall.}

Brentwood Beer Violation History

<u>Name of Business</u>	<u>Address</u>	<u>Date of Violation</u>	<u>Suspension/Penalty</u>
55 South	7031 Executive Center Dr	02/27/2018	TBD
Amoco Food Shop	7112 Moores Lane	8/9/97	30 day probation
B P Oil	7108 Moores Lane	4/23/93	105 days
B P Oil	158 Franklin Road	3/5/93	4 months
Brentwood Market & Deli	925 Franklin Road	5/18/94	45 days
Bricks	330 Franklin Road	02/27/2018	TBD
BurgerFi	7010 Executive Center Dr	02/27/2018	N/A; ownership change prior to hearing
Canyon Café	1645 Westgate Circle	8/19/99	30 days
Chili's Grill & Bar	107 Creekside Crossing	12/28/13	7 days with signs
Church Street Pub (a/k/a The Pub or the Pac)	7022 Church Street	August 2004	6 months
Concord General Store	1101 Wilson Pike	5/18/94	30 days
Cozymel's Coastal Grill	1654 Westgate Circle	12/28/13	7 days with signs
Gulf Market	158 Franklin Road	2/19/89	60 days
H. G. Hill #21	235 Franklin Road	3/15/02	Paid \$1500 penalty
Hanabi	214 Ward Circle	02/27/2018	TBD
Kroger	330 Franklin Road	5/18/94	45 days
Kwik Sak	7116 Moores Lane	3/8/02 5/18/94	30 days (new owner) 45 days
Jeffersons	214 Ward Circle	02/27/2018	TBD
Judge Bean's BBQ	7022 Church Street	12/28/13	7 days with signs
Little Bros Amoco	141 Franklin Road	3/15/02 5/18/94	7 days with signs 120 days

		3/5/93	60 days
Local Taco	146 Pewitt Drive	02/27/2018	TBD
Mapco Express	8009 Moores Lane	5/18/94	45 days
Williams Express (formerly Mapco)		8/19/99	30 days
		05/20/2016	Paid \$1000 penalty
Piggly Wiggly	144 Wilson Pike	5/18/94	45 days
Shogun Steakhouse	1648 Westgate Circle	8/19/99	30 days
Sportsman Lodge	1640 Westgate Circle	8/19/99	30 days
Star Market	120 Franklin Road	10/19/84	30 day probation
		4/4/85	30 days
Stout	400 Centerview Drive	02/27/2018	TBD
The Smokey Cigar 2	1800 Carothers Pkwy,Ste 1	05/20/2016	Paid \$1000 penalty

TO THE BRENTWOOD BEER BOARD
To be submitted in advance of violation hearing

Business name: **55 South**

Address: 7031 Executive Center Drive, Brentwood, TN 37027

Does this business wish to contest the charges described in the summons?

_____ Yes ☒ No

If "no," please provide the following information (using additional pages if necessary):

(a) Description of the employee training programs and other preventative measures designed to prevent violations of the beer laws before the violation occurred

(b) Did the employee charged with selling beer to an underaged person complete all required training?

☒ Yes _____ No

(c) Reasons the preventative measures failed, resulting in this violation

(d) Any subsequent measures taken since the violation occurred to prevent future occurrences

For off-premises permit holders only: *Is this business a participant in Tennessee's Responsible Vendor program and compliant with the program's requirements?*

_____ Yes _____ No

Submitted by:

(Print name and title) Bill Wilson General Manager

Signature: Bill TW *Date:* 5/21/18

(a) Preventive Measures before the violation

As we opened in August of last year, we hired an opening service team and held training sessions on service, menu knowledge, policies, etc. One of these training sessions covered our alcohol service policy which is standard in our New Employee Handbook. Specific discussions were on not serving minors, not serving an intoxicated Guest, ID recognition, common issues in dealing with intoxicated Guests, refusing service/cutting off Guests, common practices used by the public to "trick" us, and our responsibility to the Guest and the community. We had 100% employee and manager attendance for this training.

Moving forward from our opening, all newly hired employees are required to attend a New Hire Orientation conducted by the General Manager. One of the subjects that is covered is Alcohol Responsibility. We go through the Employee Handbook which states our policy and this is discussed with the new employee and they must sign that they have received this specific training.

We have a notebook where all ABC cards are kept and it is audited every month by the manager. We have been 100% compliant.

We have a Team Communication Board in the common server area. On this states the current Drinking Age Date which is updated daily. We keep the book of state ID's in the bar area which is easy accessible to servers and bartenders if/when they need it.

Our team benefits from a daily "line up" where we discuss any product changes/availability, celebrate accomplishments, menu training, alcohol training, etc. These are held twice a day and a staple piece of information is the Drinking Age Date.

(b) Did employee complete all required training?

Rachel has been in the restaurant business for close to 18 years, She attended the New Hire Orientation and has a signed written acknowledgement of our alcohol service policies in her employee file. She has had a valid ABC card since we hired her last July and and has always been current.

(c) Reasons the preventative measures failed?

I feel this was very poor judgement on the part of the employee. Rachel knows better and has all required knowledge of policies, laws, and procedures. Her extensive experience working in downtown Nashville and other alcohol-forward establishments has sharpened her awareness of these requirements and best practices.

That being said, as the General Manager I am searching for every reason of how one of my most trusted employees could have made such a huge error. I can surmise that although we have gone through all the training, certifications, and have ongoing communication about the seriousness of this, we still need more.

(d) Any subsequent measures taken since the violation.

In the effort to do more, we have put our failure in this matter on display for our team to learn from. We openly discuss the legal and social responsibility specifics of this with the team so that they never forget how serious this is and how serious we take it. Managers openly ask servers and bartenders what the Drinking Date is when they check in for their shifts. We have added the Drinking Date to the Home Screen of our point of sale system so they are exposed to it every time they ring in anything in the computer. It is updated daily as part of our management routine. In addition, we hosted a class for our service team in which an officer from the ABC provided more information and training. We had 100% attendance for this class.

Humbly submitted,

Bill Wilson
General Manager
55 South - Brentwood

Brentwood Beer Board Agenda

Meeting Date: 06/14/2018

Submitted by: Holly Earls, Administration

Department: Administration

Information

Subject

Beer Law Violation Hearing - Brick's Cafe & Bistro, LLC, 330 Franklin Rd

Background

In conjunction with a joint operation carried out by the Brentwood Police Department and the Tennessee Alcoholic Beverage Commission, an underage informant purchased beer at Brick's Cafe & Bistro, LLC on February 27, 2018, at approximately 6:30 p.m. The employee who served the informant has been charged with a Class A misdemeanor. Separately, the Brentwood Beer Board is empowered to take action against the restaurant for violating Tennessee law and/or the Brentwood Municipal Code.

A summons (copy attached) was served on the manager of Brick's Cafe & Bistro, LLC on April 17, 2018, requiring an appearance before the Beer Board on June 14, 2018 at 5:00 p.m.. A suggested procedural format used in previous Beer Board proceedings is also attached. A questionnaire was returned by the permit holder indicating that the permit holder does not wish to contest the charges. It also includes documentation showing measures that were in place to prevent the sale of beer to minors and subsequent measures that have been taken to prevent future occurrences.

Since Brick's Cafe & Bistro, LLC is not contesting the charges, there is no need for an evidentiary hearing in this matter. To supplement the documentation provided to the City, representatives may also make statements to the Beer Board at the June 14 hearing. At the conclusion of the hearing, the Beer Board will then discuss and vote upon the appropriate penalty, if any, to be imposed.

For the sale of beer to a minor at this location, the Beer Board may suspend the beer permit. (If a permit holder has committed at least two violations within a 12-month period, the Beer Board may permanently revoke the beer permit. That is not the case in this matter.) At the time a suspension or revocation is imposed, state law authorizes the Beer Board to offer the permit holder the alternative of paying a civil penalty in lieu of the suspension or revocation. For the offense of selling beer to a minor, the civil penalty may not exceed \$2,500. If a civil penalty is offered as an alternative, a permit holder must pay the penalty within seven days; otherwise, the suspension or revocation will go into effect.

In 2002, the Beer Board adopted guidelines for penalties to be imposed when beer permit holders violate the beer laws. Those guidelines are also attached. The guidelines are intended to provide for consistency in the way beer law violations are handled, although the Beer Board has discretion to impose penalties other than those outlined in the guidelines.

Finally, when the sale of beer for on-premises consumption results in a suspension or revocation by a local beer board, state law requires that notification of the beer board's action be sent by certified mail to the Tennessee Alcoholic Beverage Commission (ABC). The ABC may then take further action against the permit holder.

Please contact the City Attorney if you have questions about this matter.

Staff recommendation

Attachments

Hearing Format
Summons & Incident Report
Penalty Guidelines
Beer Violations History
Questionnaire

BRENTWOOD BEER BOARD
June 14, 2018
Case No. BBB-2018-02
Violation Hearing - Procedural Format
Brick's Café & Bistro, LLC, 330 Franklin Road

1. Chairman calls case number and permit holder's name: *Case No. BBB-2018-02, Brick's Café & Bistro, LLC.*
2. Chairman asks permit holder's representative to step forward and identify him/herself
3. Chairman reads the charges against the permit holder: *The Chief of Police and the City Manager of the City of Brentwood have brought the following charges: On the 27th day of February, 2018, your employee or agent, Jason New, unlawfully sold beer to a person under the age of 21 years at Brick's Café & Bistro, LLC, located at 330 Franklin Road.*
4. Chairman states: *In documents filed with the Beer Board, Brick's Café & Bistro, LLC has indicated that it does not wish to contest the charges brought against it. We have also received documentation of measures that were in place to prevent the sale of beer to minors and subsequent measures that have been taken to prevent future occurrences. Do you have any further statements you wish to make to the Beer Board that related to this matter?*
5. Following the representative's statement (if any) the chairman and other members of the Beer Board (upon being recognized by the chairman) may ask questions of the representative.
6. Following questions and discussion by the Beer Board members, any member may move to impose a penalty (or that no penalty be imposed.) The penalty may be based on the penalty guidelines adopted by the Beer Board, or it may deviate from the guidelines at the Beer Board's discretion. A motion to suspend or revoke a permit should state the date on which the suspension or revocation is to be effective. Upon a second to the motion and any further discussion, a vote is taken on the motion. The motion passes if a majority of the board members present and voting vote for the motion.

**BEFORE THE BEER BOARD FOR THE CITY OF BRENTWOOD, TENNESSEE
NOTICE OF HEARING ON BEER LAW VIOLATIONS**

TO: Susan Reynolds Stewart (or current manager)
Brick's Café & Bistro, LLC
330 Franklin Road
Brentwood, TN 37027

Case No. BBB-2018-02

You are hereby summoned to appear before the Beer Board for the City of Brentwood, Tennessee on **June 14, 2018 at 5:00 p.m.**, at Brentwood City Hall, 5211 Maryland Way, Brentwood, Tennessee to then and there show cause, if any you have, why the beer permit of Brick's Café & Bistro, LLC at 330 Franklin Road, Brentwood, Tennessee, should not be suspended or why other disciplinary action should not be taken by said Beer Board for the following reasons, to wit:

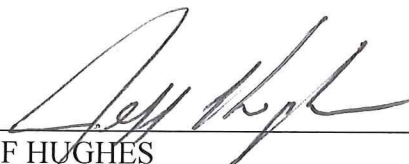
On the 27th day of February, 2018 at approximately 6:30 p.m., your employee or agent, Jason New, unlawfully sold beer to a person under the age of twenty-one (21) years at Brick's Café & Bistro, LLC at 330 Franklin Road, within the corporate limits of the City of Brentwood, Tennessee, contrary to T.C.A. §57-5-301(a). Such unlawful sale of beer constitutes grounds for beer permit suspension under T.C.A. §57-5-108.

At the hearing referenced above, you are entitled to be represented by an attorney of your choice.

These proceedings are initiated at the request of the Chief of Police and the City Manager of the City of Brentwood, pursuant to the powers and duties assigned to them under the Charter of the City of Brentwood.



KIRK BEDNAR
City Manager



JEFF HUGHES
Chief of Police



KRISTEN L. CORN
City Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing notice has been served by hand delivery upon Susan Reynolds Stewart (or current manager BEVERLEE BOWMAN), c/o Brick's Café & Bistro, LLC, 330 Franklin Road, Brentwood, Tennessee 37027, on this the 4/12/18 day of April, 2018.

A handwritten signature in blue ink, appearing to read "Reilly", is written over a horizontal line.

Brentwood Police Department

BRENTWOOD POLICE DEPARTMENT

5211 Maryland Way Brentwood, TN 37027
Phone (615) 371-0160 Fax (615) 371-2228

Case #

BPD-18-00569

INCIDENT REPORT**INCIDENT**

Commonplace Name BRICKS CAFE		Description of Incident UNDERAGE SALE OF ALCOHOLIC BEVERAGE			
Address 330 FRANKLIN RD	Apt 914D	City BRENTWOOD	State TN	Zip Code 37027	
Date Reported 02/28/18 - 17:19 - Wed	Occurred From 02/27/18 - 18:30 - Tue	Occurred To 02/27/18 - 18:35 - Tue			
Cross Refer Case Number	Prosecute	ZONE BUSINESS	DISTRICT 3		

OFFENSES

Offense VIOLATION OF ALCOHOLIC BEVERAGE LAWS	Degree MISDEMEANOR
---	-----------------------

PERSONS SUMMARY

Role	Role #	Name (Last Suffix, First Middle)	Race	Sex	DOB
SUSPECT	1	NEW, JASON LEE	W	M	10/22/1984

BUSINESSES SUMMARY

Name	Org #	Victim Type	Involvement Type
SOCIETY	1	SOCIETY / PUBLIC	Victim of Incident

OFFICERS

Involvement Type Reporting	Officer Name	Date
	BREEDLOVE, ADRIAN E0558	02/28/18 - 17:27 - Wed

OFFICERS

Involvement Type Approving	Officer Name	Date
	ONEIL, DAVID E0555	03/01/18 - 16:53 - Thu

VICTIMS**ORGANIZATIONS**

Org #: 1	VictimType: SOCIETY / PUBLIC
----------	------------------------------

Organization Name	Commonplace Name
SOCIETY	

INVOLVED PERSONS**SUSPECTS****Suspect #: 1** **Arrested: NO**

Last Name	First Name	Middle Name	Suffix	Moniker				
NEW	JASON	LEE						
Date of Birth	Age to	Age From	Race	Sex	Height	Weight	Hair Color	Eye Color
10/22/1984	33		WHITE	MALE	602	190	BLACK	BROWN

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BRENTWOOD POLICE DEPARTMENT

5211 Maryland Way Brentwood, TN 37027
Phone (615) 371-0160 Fax (615) 371-2228

Case #

BPD-18-00569**INCIDENT REPORT**

Main Address 692 PICCADILLY ROW	Apartment	City ANTIOCH	State TN	Zip Code 37013	Country
Occupation Name BRICKS CAFE		Occupation Description			
Occupation Address 330 FRANKLIN RD	Apartment	City BRENTWOOD	State TN	Zip Code 37027	
License Number [REDACTED]	License State [REDACTED]	SSN [REDACTED]	BPID Number	Email	

RELATED OFFENSE**NARRATIVE-**

1. On February 27, 2018, BPD Detective Breedlove assisted agents of the Tennessee Alcoholic Beverage Commission (TABC) with an underage alcohol sales investigation. TABC agents used the assistance of a confidential informant (CI) under the age of 21, who attempted to purchase alcohol at a number of businesses within the city of Brentwood. The CI was under direct supervision of undercover TABC agents during each purchase attempt.
2. At approximately 6:30pm on 2/27/2018 the CI was served a glass of Bud Light beer at Bricks Café located at 330 Franklin Road, Suite 914D. Server Jason NEW checked the CI's identification card, and then served the CI the glass of beer. The sale was witnessed by two TABC special agents working in an undercover capacity.
3. TABC enforcement agents approached NEW and identified themselves to him, and issued a State of Tennessee Misdemeanor Citation to him for the sale, which is a violation of TCA 57-4-203.
4. TABC agents also issued an administrative citation to the business for violations of TABC rules & regulations under TCA 57-4-203.
5. Detective Breedlove photographed the establishment's City of Brentwood Beer Permit, which was displayed in a place that could be observed by the public, and has attached the photograph to this Incident Report.
6. This investigation is closed by exception - prosecuted by other agency.

BRENTWOOD POLICE DEPARTMENT CONTROLLED DOCUMENT - DO NOT DUPLICATE

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BRENTWOOD POLICE DEPARTMENT



5211 Maryland Way Brentwood, TN 37027
Phone (615) 371-0160 Fax (615) 371-2228

Case #
BPD-18-00569

Supplement #
.001

INCIDENT SUPPLEMENT REPORT

OFFICER

Involvement Type
Approving

Officer Name
ONEIL, DAVID E0555

Date
03/01/18 - 16:46 - Thu

NARRATIVE

1. Reference is made to the original Incident Report by Det. Breedlove in this investigative case file.
2. The purpose of this Supplement Report is to add the attached State of Tennessee Misdemeanor Citation, as well as the State of Tennessee Regulatory Citation(s) that were issued by agents of the Tennessee Alcoholic Beverage Commission (TABC) during the 2/27/2018 operation in Brentwood.
3. This investigation is closed due to being prosecuted by another jurisdiction (TABC).

BRENTWOOD POLICE DEPARTMENT CONTROLLED DOCUMENT - DO NOT DUPLICATE

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Page 1 of 1

Page 27 of 84

**BRENTWOOD BEER BOARD
PENALTY GUIDELINES
(Adopted April 22, 2002)**

The following guidelines are intended to provide standards to the Brentwood Beer Board in imposing penalties for violations of state or local beer laws and regulations in a fair, reasonable and consistent manner. These guidelines are not intended to dictate the penalty to be imposed, but rather to provide guidance to the members of the Board in their decisions. For each violation heard by the Beer Board, the Board will continue to have complete discretion to exercise any and all powers granted by state law and local ordinance. In each case, the Board may agree that a greater or lesser penalty should be imposed due to aggravating or mitigating circumstances.

In applying the penalties below, it is suggested that if no violations have occurred within the previous three years, the incident will be treated as a first violation. The “alternative” penalties set forth below would be allowed only if the Beer Board deems that the permit holder had appropriate training and/or other preventative measures in place to prevent violations of the beer laws, and that appropriate steps will be taken to prevent future violations. As a condition of the alternative penalty, the Beer Board may require the permit holder to submit documentation regarding training programs in place. It is suggested that the penalty period begin one week following the Beer Board’s decision, in order to provide time for the permit holder to comply with the conditions of the alternative penalty.

	<u>Penalty</u>	<u>Alternative</u>
First violation	<i>30 day suspension</i>	<i>One week suspension/post signs*</i>
Second violation	<i>45 day suspension</i>	<i>Two week suspension/post signs*</i>
Third violation	<i>60 day suspension</i>	<i>No alternative</i>
Fourth violation	<i>Revocation**</i>	<i>No alternative</i>

** See attached wording and specifications for sign to be posted at each entrance and on each beer cooler door.*

*** In order to impose revocation, there must be at least two violations within a 12-month period.*

Note: At the time of adoption of these guidelines, Tennessee law also provided that the Beer Board may offer a permit holder the alternative of paying a monetary penalty of up to \$1,500 for the sale of beer to a minor, or up to \$1,000 for other violations. The maximum penalty for the sale of beer to a minor was subsequently increased to \$2,500. However, the Tennessee General Assembly also created a “Responsible Vendor” program for off-premises beer permit holders. The permit of an off-premises permit holder who complies with this program may not be suspended or revoked. However, a monetary penalty not to exceed \$1,000 may be imposed on a “Responsible Vendor” for the sale of beer to a minor or any other offense.

NO BEER SALES

BEER WAS SOLD TO A MINOR
AT THIS LOCATION.
PERMIT SUSPENDED.

By order of the
City of Brentwood Beer Board.

{Above text to be printed in red lettering, with top line approximately 1 ½ inches tall; middle lines approximately 1 inch tall; and bottom line approximately 1 inch tall.}

Brentwood Beer Violation History

<u>Name of Business</u>	<u>Address</u>	<u>Date of Violation</u>	<u>Suspension/Penalty</u>
55 South	7031 Executive Center Dr	02/27/2018	TBD
Amoco Food Shop	7112 Moores Lane	8/9/97	30 day probation
B P Oil	7108 Moores Lane	4/23/93	105 days
B P Oil	158 Franklin Road	3/5/93	4 months
Brentwood Market & Deli	925 Franklin Road	5/18/94	45 days
Bricks	330 Franklin Road	02/27/2018	TBD
BurgerFi	7010 Executive Center Dr	02/27/2018	N/A; ownership change prior to hearing
Canyon Café	1645 Westgate Circle	8/19/99	30 days
Chili's Grill & Bar	107 Creekside Crossing	12/28/13	7 days with signs
Church Street Pub (a/k/a The Pub or the Pac)	7022 Church Street	August 2004	6 months
Concord General Store	1101 Wilson Pike	5/18/94	30 days
Cozymel's Coastal Grill	1654 Westgate Circle	12/28/13	7 days with signs
Gulf Market	158 Franklin Road	2/19/89	60 days
H. G. Hill #21	235 Franklin Road	3/15/02	Paid \$1500 penalty
Hanabi	214 Ward Circle	02/27/2018	TBD
Kroger	330 Franklin Road	5/18/94	45 days
Kwik Sak	7116 Moores Lane	3/8/02 5/18/94	30 days (new owner) 45 days
Jeffersons	214 Ward Circle	02/27/2018	TBD
Judge Bean's BBQ	7022 Church Street	12/28/13	7 days with signs
Little Bros Amoco	141 Franklin Road	3/15/02 5/18/94	7 days with signs 120 days

		3/5/93	60 days
Local Taco	146 Pewitt Drive	02/27/2018	TBD
Mapco Express	8009 Moores Lane	5/18/94	45 days
Williams Express (formerly Mapco)		8/19/99	30 days
		05/20/2016	Paid \$1000 penalty
Piggly Wiggly	144 Wilson Pike	5/18/94	45 days
Shogun Steakhouse	1648 Westgate Circle	8/19/99	30 days
Sportsman Lodge	1640 Westgate Circle	8/19/99	30 days
Star Market	120 Franklin Road	10/19/84	30 day probation
		4/4/85	30 days
Stout	400 Centerview Drive	02/27/2018	TBD
The Smokey Cigar 2	1800 Carothers Pkwy,Ste 1	05/20/2016	Paid \$1000 penalty

TO THE BRENTWOOD BEER BOARD
To be submitted in advance of violation hearing

Business name: **Brick's Café & Bistro, LLC**

Address: 330 Franklin Road, Brentwood, TN 37027

Does this business wish to contest the charges described in the summons?

_____ Yes X No

If "no," please provide the following information (using additional pages if necessary):

(a) Description of the employee training programs and other preventative measures designed to prevent violations of the beer laws before the violation occurred

All servers are required to obtain an ABC license and sign a policy statement that they understand they cannot sell to minors.

(b) Did the employee charged with selling beer to an underaged person complete all required training?

_____ Yes X No He ~~is~~ was in the 60 day probationary period and had not obtained his ABC license yet (2 weeks on the job). He had signed the policy statement that selling to minors was prohibited.

(c) Reasons the preventative measures failed, resulting in this violation

He checked ID but he was busy and subtracted in correctly to determine age. He realizes this was a stupid mistake that can not be allowed.

(d) Any subsequent measures taken since the violation occurred to prevent future occurrences

The server was removed from the next schedule for half his shifts. A mandatory employee meeting was held with instructional guidance on ID checks. A sign was posted that everyone is carded. The server in question has his license now.

For off-premises permit holders only: Is this business a participant in Tennessee's Responsible Vendor program and compliant with the program's requirements?

_____ Yes _____ No

Server representatives were sent to an ABC class on ID fraud prevention and brought back guidance for all staff.

Submitted by:

(Print name and title) Susan Reynolds Stewart

Signature: Susan R Stewart

Date: May 1-2018

Brentwood Beer Board Agenda

Meeting Date: 06/14/2018

Submitted by: Holly Earls, Administration

Department: Administration

Information

Subject

Beer Law Violation Hearing - Hanabi Japanese Restaurant, 214 Ward Circle

Background

In conjunction with a joint operation carried out by the Brentwood Police Department and the Tennessee Alcoholic Beverage Commission, an underage informant purchased beer at Hanabi Japanese Restaurant on February 27, 2018, at approximately 5:15 p.m. The employee who served the informant has been charged with a Class A misdemeanor. Separately, the Brentwood Beer Board is empowered to take action against the restaurant for violating Tennessee law and/or the Brentwood Municipal Code.

A summons (copy attached) was served on the manager of Hanabi Japanese Restaurant on April 17, 2018, requiring an appearance before the Beer Board on June 14, 2018 at 5:00 p.m.. A suggested procedural format used in previous Beer Board proceedings is also attached. A questionnaire was returned by the permit holder indicating that the permit holder does not wish to contest the charges. It also includes documentation showing measures that were in place to prevent the sale of beer to minors and subsequent measures that have been taken to prevent future occurrences.

Since Hanabi Japanese Restaurant is not contesting the charges, there is no need for an evidentiary hearing in this matter. To supplement the documentation provided to the City, representatives may also make statements to the Beer Board at the June 14 hearing. At the conclusion of the hearing, the Beer Board will then discuss and vote upon the appropriate penalty, if any, to be imposed.

For the sale of beer to a minor at this location, the Beer Board may suspend the beer permit. (If a permit holder has committed at least two violations within a 12-month period, the Beer Board may permanently revoke the beer permit. That is not the case in this matter.) At the time a suspension or revocation is imposed, state law authorizes the Beer Board to offer the permit holder the alternative of paying a civil penalty in lieu of the suspension or revocation. For the offense of selling beer to a minor, the civil penalty may not exceed \$2,500. If a civil penalty is offered as an alternative, a permit holder must pay the penalty within seven days; otherwise, the suspension or revocation will go into effect.

In 2002, the Beer Board adopted guidelines for penalties to be imposed when beer permit holders violate the beer laws. Those guidelines are also attached. The guidelines are intended to provide for consistency in the way beer law violations are handled, although the Beer Board has discretion to impose penalties other than those outlined in the guidelines.

Finally, when the sale of beer for on-premises consumption results in a suspension or revocation by a local beer board, state law requires that notification of the beer board's action be sent by certified mail to the Tennessee Alcoholic Beverage Commission (ABC). The ABC may then take further action against the permit holder.

Please contact the City Attorney if you have questions about this matter.

Staff recommendation

Attachments

Hearing Format
Summons & Incident Report
Penalty Guidelines
Beer Violations History
Questionnaire

BRENTWOOD BEER BOARD
June 14, 2018
Case No. BBB-2018-04
Violation Hearing - Procedural Format
Hanabi Japanese Restaurant, 214 Ward Circle

1. Chairman calls case number and permit holder's name: *Case No. BBB-2018-04, Hanabi Japanese Restaurant.*
2. Chairman asks permit holder's representative to step forward and identify him/herself
3. Chairman reads the charges against the permit holder: *The Chief of Police and the City Manager of the City of Brentwood have brought the following charges: On the 27th day of February, 2018, your employee or agent, Hua Yu, unlawfully sold beer to a person under the age of 21 years at Hanabi Japanese Restaurant, located at 214 Ward Circle.*
4. Chairman states: *In documents filed with the Beer Board, Hanabi Japanese Restaurant has indicated that it does not wish to contest the charges brought against it. We have also received documentation of measures that were in place to prevent the sale of beer to minors and subsequent measures that have been taken to prevent future occurrences. Do you have any further statements you wish to make to the Beer Board that related to this matter?*
5. Following the representative's statement (if any) the chairman and other members of the Beer Board (upon being recognized by the chairman) may ask questions of the representative.
6. Following questions and discussion by the Beer Board members, any member may move to impose a penalty (or that no penalty be imposed.) The penalty may be based on the penalty guidelines adopted by the Beer Board, or it may deviate from the guidelines at the Beer Board's discretion. A motion to suspend or revoke a permit should state the date on which the suspension or revocation is to be effective. Upon a second to the motion and any further discussion, a vote is taken on the motion. The motion passes if a majority of the board members present and voting vote for the motion.

**BEFORE THE BEER BOARD FOR THE CITY OF BRENTWOOD, TENNESSEE
NOTICE OF HEARING ON BEER LAW VIOLATIONS**

TO: Helen H. Kim (or current manager)
Hanabi Japanese Restaurant
214 Ward Circle
Brentwood, TN 37027

Case No. BBB-2018-04

You are hereby summoned to appear before the Beer Board for the City of Brentwood, Tennessee on **June 14, 2018 at 5:00 p.m.**, at Brentwood City Hall, 5211 Maryland Way, Brentwood, Tennessee to then and there show cause, if any you have, why the beer permit of Hanabi Japanese Restaurant at 214 Ward Circle, Brentwood, Tennessee, should not be suspended or why other disciplinary action should not be taken by said Beer Board for the following reasons, to wit:

On the 27th day of February, 2018 at approximately 5:15 p.m., your employee or agent, Hua Yu, unlawfully sold beer to a person under the age of twenty-one (21) years at Hanabi Japanese Restaurant at 214 Ward Circle, within the corporate limits of the City of Brentwood, Tennessee, contrary to T.C.A. §57-5-301(a). Such unlawful sale of beer constitutes grounds for beer permit suspension under T.C.A. §57-5-108.

At the hearing referenced above, you are entitled to be represented by an attorney of your choice.

These proceedings are initiated at the request of the Chief of Police and the City Manager of the City of Brentwood, pursuant to the powers and duties assigned to them under the Charter of the City of Brentwood.



KIRK BEDNAR
City Manager



JEFF HUGHES
Chief of Police



KRISTEN L. CORN
City Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing notice has been served by hand delivery upon Helen H. Kim (or current manager BRUCE K LEE), c/o Hanabi Japanese Restaurant, 214 Ward Circle, Brentwood, Tennessee 37027, on this the 4/19/18 day of April, 2018.

Roe A.

Brentwood Police Department



BRENTWOOD POLICE DEPARTMENT

5211 Maryland Way Brentwood, TN 37027
Phone (615) 371-0160 Fax (615) 371-2228

Case #

BPD-18-00568

INCIDENT REPORT

INCIDENT

Commonplace Name
HANABI JAPANESE RESTAURANT

Description of Incident
UNDERAGE ALCOHOLIC BEVERAGE SALE

Address
214 WARD CIR

Apt
700

City
BRENTWOOD

State
TN

Zip Code
37027

Date Reported
02/28/18 - 17:03 - Wed

Occurred From
02/27/18 - 17:15 - Tue

Occurred To
02/27/18 - 17:20 - Tue

Cross Refer Case Number

Prosecute
YES

ZONE
BUSINESS

DISTRICT
3

OFFENSES

Offense
VIOLATION OF ALCOHOLIC BEVERAGE LAWS

Degree
MISDEMEANOR

PERSONS SUMMARY

Role	Role #	Name (Last Suffix, First Middle)	Race	Sex	DOB
SUSPECT	1	YU, HUA	A	F	10/04/1970

BUSINESSES SUMMARY

Name	Org #	Victim Type	Involvement Type
SOCIETY	1	SOCIETY / PUBLIC	Victim of Incident

OFFICERS

Involvement Type	Officer Name	Date
Reporting	BREEDLOVE, ADRIAN E0558	02/28/18 - 17:11 - Wed

OFFICERS

Involvement Type	Officer Name	Date
Approving	ONEIL, DAVID E0555	03/01/18 - 16:54 - Thu

VICTIMS

ORGANIZATIONS

Org #: 1 VictimType: SOCIETY / PUBLIC

Organization Name
SOCIETY

Commonplace Name

INVOLVED PERSONS

SUSPECTS

Suspect #: 1 Arrested: NO

Last Name	First Name	Middle Name	Suffix	Moniker
YU	HUA			

Date of Birth	Age to	Age From	Race	Sex	Height	Weight	Hair Color	Eye Color
10/04/1970	47		ASIAN	FEMALE	503	120	BLACK	BROWN

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BRENTWOOD POLICE DEPARTMENT
5211 Maryland Way Brentwood, TN 37027
Phone (615) 371-0160 Fax (615) 371-2228

Case #
BPD-18-00568

INCIDENT REPORT

Main Address 273 RICHBRIAR ROAD	Apartment	City NASHVILLE	State TN	Zip Code 37211	Country
Occupation Name HANABI RESTAURANT		Occupation Description ALL OTHER			
Occupation Address 214 WARD CIR	Apartment 700	City BRENTWOOD	State TN	Zip Code 37027	
License Number [REDACTED]	License State TN	SSN [REDACTED]	BPID Number	Email	
Hair Style	Hair Length	Complexion	Build 1 LIGHT	Facial Hair	Wears Glasses

RELATED OFFENSE

NARRATIVE-

1. On February 27, 2018, BPD Detective Breedlove assisted agents of the Tennessee Alcoholic Beverage Commission (TABC) with an underage alcohol sales investigation. TABC agents used the assistance of a confidential informant (CI) under the age of 21, who attempted to purchase alcohol at a number of businesses within the city of Brentwood. The CI was under direct supervision of undercover TABC agents during each purchase attempt.
2. At approximately 5:15pm on 2/27/2018 the CI was served a 12 ounce bottle of Bud Light beer at Hanabi Japanese Restaurant located at 214 Ward Circle, Suite 700. Server Hua YU checked the CI's identification card, and then served the CI the bottle of beer. The sale was witnessed by two TABC special agents working in an undercover capacity.
3. TABC enforcement agents approached YU and identified themselves to her, and issued a State of Tennessee Misdemeanor Citation to her for the sale, which is a violation of TCA 57-4-203.
4. TABC agents also issued an administrative citation to the business for violations of TABC rules & regulations under TCA 57-4-203.
5. Detective Breedlove photographed the establishment's City of Brentwood Beer Permit, which was displayed in a place that could be observed by the public, and has attached the photograph to this Incident Report.
6. This investigation is closed by exception - prosecuted by other agency.

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BRENTWOOD POLICE DEPARTMENT



5211 Maryland Way Brentwood, TN 37027
Phone (615) 371-0160 Fax (615) 371-2228

Case #
BPD-18-00568

Supplement #
.001

INCIDENT SUPPLEMENT REPORT

OFFICER

Involvement Type
Approving

Officer Name
ONEIL, DAVID E0555

Date
03/01/18 - 16:52 - Thu

NARRATIVE

1. Reference is made to the original Incident Report by Det. Breedlove in this investigative case file.
2. The purpose of this Supplement Report is to add the attached State of Tennessee Misdemeanor Citation, as well as the State of Tennessee Regulatory Citation(s) that were issued by agents of the Tennessee Alcoholic Beverage Commission (TABC) during the 2/27/2018 operation in Brentwood.
3. This investigation is closed due to being prosecuted by another jurisdiction (TABC).

BRENTWOOD POLICE DEPARTMENT CONTROLLED DOCUMENT - DO NOT DUPLICATE

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**BRENTWOOD BEER BOARD
PENALTY GUIDELINES
(Adopted April 22, 2002)**

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In applying the penalties below, it is suggested that if no violations have occurred within the previous three years, the incident will be treated as a first violation. The “alternative” penalties set forth below would be allowed only if the Beer Board deems that the permit holder had appropriate training and/or other preventative measures in place to prevent violations of the beer laws, and that appropriate steps will be taken to prevent future violations. As a condition of the alternative penalty, the Beer Board may require the permit holder to submit documentation regarding training programs in place. It is suggested that the penalty period begin one week following the Beer Board’s decision, in order to provide time for the permit holder to comply with the conditions of the alternative penalty.

	<u>Penalty</u>	<u>Alternative</u>
First violation	<i>30 day suspension</i>	<i>One week suspension/post signs*</i>
Second violation	<i>45 day suspension</i>	<i>Two week suspension/post signs*</i>
Third violation	<i>60 day suspension</i>	<i>No alternative</i>
Fourth violation	<i>Revocation**</i>	<i>No alternative</i>

** See attached wording and specifications for sign to be posted at each entrance and on each beer cooler door.*

*** In order to impose revocation, there must be at least two violations within a 12-month period.*

Note: At the time of adoption of these guidelines, Tennessee law also provided that the Beer Board may offer a permit holder the alternative of paying a monetary penalty of up to \$1,500 for the sale of beer to a minor, or up to \$1,000 for other violations. The maximum penalty for the sale of beer to a minor was subsequently increased to \$2,500. However, the Tennessee General Assembly also created a “Responsible Vendor” program for off-premises beer permit holders. The permit of an off-premises permit holder who complies with this program may not be suspended or revoked. However, a monetary penalty not to exceed \$1,000 may be imposed on a “Responsible Vendor” for the sale of beer to a minor or any other offense.

NO BEER SALES

BEER WAS SOLD TO A MINOR
AT THIS LOCATION.
PERMIT SUSPENDED.

By order of the
City of Brentwood Beer Board.

{Above text to be printed in red lettering, with top line approximately 1 ½ inches tall; middle lines approximately 1 inch tall; and bottom line approximately 1 inch tall.}

Brentwood Beer Violation History

<u>Name of Business</u>	<u>Address</u>	<u>Date of Violation</u>	<u>Suspension/Penalty</u>
55 South	7031 Executive Center Dr	02/27/2018	TBD
Amoco Food Shop	7112 Moores Lane	8/9/97	30 day probation
B P Oil	7108 Moores Lane	4/23/93	105 days
B P Oil	158 Franklin Road	3/5/93	4 months
Brentwood Market & Deli	925 Franklin Road	5/18/94	45 days
Bricks	330 Franklin Road	02/27/2018	TBD
BurgerFi	7010 Executive Center Dr	02/27/2018	N/A; ownership change prior to hearing
Canyon Café	1645 Westgate Circle	8/19/99	30 days
Chili's Grill & Bar	107 Creekside Crossing	12/28/13	7 days with signs
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Gulf Market	158 Franklin Road	2/19/89	60 days
H. G. Hill #21	235 Franklin Road	3/15/02	Paid \$1500 penalty
Hanabi	214 Ward Circle	02/27/2018	TBD
Kroger	330 Franklin Road	5/18/94	45 days
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Jeffersons	214 Ward Circle	02/27/2018	TBD
Judge Bean's BBQ	7022 Church Street	12/28/13	7 days with signs
Little Bros Amoco	141 Franklin Road	3/15/02 5/18/94	7 days with signs 120 days

		3/5/93	60 days
Local Taco	146 Pewitt Drive	02/27/2018	TBD
Mapco Express	8009 Moores Lane	5/18/94	45 days
Williams Express (formerly Mapco)		8/19/99	30 days
		05/20/2016	Paid \$1000 penalty
Piggly Wiggly	144 Wilson Pike	5/18/94	45 days
Shogun Steakhouse	1648 Westgate Circle	8/19/99	30 days
Sportsman Lodge	1640 Westgate Circle	8/19/99	30 days
Star Market	120 Franklin Road	10/19/84	30 day probation
		4/4/85	30 days
Stout	400 Centerview Drive	02/27/2018	TBD
The Smokey Cigar 2	1800 Carothers Pkwy,Ste 1	05/20/2016	Paid \$1000 penalty

TO THE BRENTWOOD BEER BOARD
To be submitted in advance of violation hearing

Business name: **Hanabi Japanese Restaurant**

Address: 214 Ward Circle, Brentwood, TN 37027

Does this business wish to contest the charges described in the summons?

_____ Yes ☒ No

If "no," please provide the following information (using additional pages if necessary):

(a) Description of the employee training programs and other preventative measures designed to prevent violations of the beer laws before the violation occurred

All of our servers went to the course provided by the Beer Board and had a meeting to tell our servers to always check ID

(b) Did the employee charged with selling beer to an underaged person complete all required training?

☒ Yes _____ No

(c) Reasons the preventative measures failed, resulting in this violation

she checked the ID but mistook their birthday to be of age

(d) Any subsequent measures taken since the violation occurred to prevent future occurrences

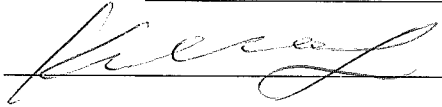
at the server station we put the date of birth minimum that we are allowed to serve drinks

For off-premises permit holders only: Is this business a participant in Tennessee's Responsible Vendor program and compliant with the program's requirements?

_____ Yes _____ No

Submitted by:

(Print name and title) BRUCE K. LEE (owner)

Signature: 

Date: 4-30-18

Brentwood Beer Board Agenda

Meeting Date: 06/14/2018

Submitted by: Holly Earls, Administration

Department: Administration

Information

Subject

Beer Law Violation Hearing - Jefferson's Restaurant, 214 Ward Circle

Background

In conjunction with a joint operation carried out by the Brentwood Police Department and the Tennessee Alcoholic Beverage Commission, an underage informant purchased beer at Jefferson's Restaurant on February 27, 2018, at approximately 5:00 p.m. The employee who served the informant has been charged with a Class A misdemeanor. Separately, the Brentwood Beer Board is empowered to take action against the restaurant for violating Tennessee law and/or the Brentwood Municipal Code.

A summons (copy attached) was served on the manager of Jefferson's Restaurant on April 17, 2018, requiring an appearance before the Beer Board on June 14, 2018 at 5:00 p.m.. A suggested procedural format used in previous Beer Board proceedings is also attached. A questionnaire was returned by the permit holder indicating that the permit holder does not wish to contest the charges. It also includes documentation showing measures that were in place to prevent the sale of beer to minors and subsequent measures that have been taken to prevent future occurrences.

Since Jefferson's Restaurant is not contesting the charges, there is no need for an evidentiary hearing in this matter. To supplement the documentation provided to the City, representatives may also make statements to the Beer Board at the June 14 hearing. At the conclusion of the hearing, the Beer Board will then discuss and vote upon the appropriate penalty, if any, to be imposed.

For the sale of beer to a minor at this location, the Beer Board may suspend the beer permit. (If a permit holder has committed at least two violations within a 12-month period, the Beer Board may permanently revoke the beer permit. That is not the case in this matter.) At the time a suspension or revocation is imposed, state law authorizes the Beer Board to offer the permit holder the alternative of paying a civil penalty in lieu of the suspension or revocation. For the offense of selling beer to a minor, the civil penalty may not exceed \$2,500. If a civil penalty is offered as an alternative, a permit holder must pay the penalty within seven days; otherwise, the suspension or revocation will go into effect.

In 2002, the Beer Board adopted guidelines for penalties to be imposed when beer permit holders violate the beer laws. Those guidelines are also attached. The guidelines are intended to provide for consistency in the way beer law violations are handled, although the Beer Board has discretion to impose penalties other than those outlined in the guidelines.

Finally, when the sale of beer for on-premises consumption results in a suspension or revocation by a local beer board, state law requires that notification of the beer board's action be sent by certified mail to the Tennessee Alcoholic Beverage Commission (ABC). The ABC may then take further action against the permit holder.

Please contact the City Attorney if you have questions about this matter.

Staff recommendation

Attachments

Hearing Format
Summons & Incident Report
Penalty Guidelines
Beer Violations History
Questionnaire

BRENTWOOD BEER BOARD
June 14, 2018
Case No. BBB-2018-05
Violation Hearing - Procedural Format
Jefferson's Restaurant, 214 Ward Circle

1. Chairman calls case number and permit holder's name: *Case No. BBB-2018-05, Jefferson's Restaurant.*
2. Chairman asks permit holder's representative to step forward and identify him/herself
3. Chairman reads the charges against the permit holder: *The Chief of Police and the City Manager of the City of Brentwood have brought the following charges: On the 27th day of February, 2018, your employee or agent, Jordan Noles, unlawfully sold beer to a person under the age of 21 years at Jefferson's Restaurant, located at 214 Ward Circle.*
4. Chairman states: *In documents filed with the Beer Board, Jefferson's Restaurant has indicated that it does not wish to contest the charges brought against it. We have also received documentation of measures that were in place to prevent the sale of beer to minors and subsequent measures that have been taken to prevent future occurrences. Do you have any further statements you wish to make to the Beer Board that related to this matter?*
5. Following the representative's statement (if any) the chairman and other members of the Beer Board (upon being recognized by the chairman) may ask questions of the representative.
6. Following questions and discussion by the Beer Board members, any member may move to impose a penalty (or that no penalty be imposed.) The penalty may be based on the penalty guidelines adopted by the Beer Board, or it may deviate from the guidelines at the Beer Board's discretion. A motion to suspend or revoke a permit should state the date on which the suspension or revocation is to be effective. Upon a second to the motion and any further discussion, a vote is taken on the motion. The motion passes if a majority of the board members present and voting vote for the motion.

**BEFORE THE BEER BOARD FOR THE CITY OF BRENTWOOD, TENNESSEE
NOTICE OF HEARING ON BEER LAW VIOLATIONS**

TO: David Carulla (or current manager)
Jefferson's Restaurant
214 Ward Circle
Brentwood, TN 37027

Case No. BBB-2018-05

You are hereby summoned to appear before the Beer Board for the City of Brentwood, Tennessee on **June 14, 2018 at 5:00 p.m.**, at Brentwood City Hall, 5211 Maryland Way, Brentwood, Tennessee to then and there show cause, if any you have, why the beer permit of Jefferson's Restaurant at 214 Ward Circle, Brentwood, Tennessee, should not be suspended or why other disciplinary action should not be taken by said Beer Board for the following reasons, to wit:

On the 27th day of February, 2018 at approximately 5:00 p.m., your employee or agent, Jordan Noles, unlawfully sold beer to a person under the age of twenty-one (21) years at Jefferson's Restaurant at 214 Ward Circle, within the corporate limits of the City of Brentwood, Tennessee, contrary to T.C.A. §57-5-301(a). Such unlawful sale of beer constitutes grounds for beer permit suspension under T.C.A. §57-5-108.

At the hearing referenced above, you are entitled to be represented by an attorney of your choice.

These proceedings are initiated at the request of the Chief of Police and the City Manager of the City of Brentwood, pursuant to the powers and duties assigned to them under the Charter of the City of Brentwood.



KIRK BEDNAR
City Manager




JEFF HUGHES
Chief of Police



KRISTEN L. CORN
City Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing notice has been served by hand delivery upon David Carulla (or current manager ANDREW DEAL), c/o Jefferson's Restaurant, 214 Ward Circle, Brentwood, Tennessee 37027, on this the 4/19/18 day of April, 2018.



Brentwood Police Department

BRENTWOOD POLICE DEPARTMENT

5211 Maryland Way Brentwood, TN 37027
Phone (615) 371-0160 Fax (615) 371-2228

Case #

BPD-18-00567

INCIDENT REPORT**INCIDENT**

Commonplace Name
JEFFERSON'S RESTAURANT

Description of Incident
UNDERAGE ALCOHOLIC BEVERAGE SALE

Address
214 WARD CIR

Apt
1200

City
BRENTWOOD

State
TN

Zip Code
37027

Date Reported
02/28/18 - 16:45 - Wed

Occurred From
02/27/18 - 17:00 - Tue

Occurred To
02/27/18 - 17:01 - Tue

Cross Refer Case Number

Prosecute
YES

ZONE
BUSINESS

DISTRICT
3

☐ Domestic Violence ☐ Hate Crime ☐ Sex Crime ☐ Gangs Related ☐ AVAILABLE

OFFENSES

Offense
VIOLATION OF ALCOHOLIC BEVERAGE LAWS

Degree
MISDEMEANOR

PERSONS SUMMARY

Role	Role #	Name (Last Suffix, First Middle)	Race	Sex	DOB
SUSPECT	1	NOLES, JORDAN BRIANNA	W	F	07/28/1993

BUSINESSES SUMMARY

Name	Org #	Victim Type	Involvement Type
SOCIETY	1	SOCIETY / PUBLIC	Victim of Incident

OFFICERS

Involvement Type	Officer Name	Date
Reporting	BREEDLOVE, ADRIAN E0558	02/28/18 - 16:52 - Wed

OFFICERS

Involvement Type	Officer Name	Date
Approving	ONEIL, DAVID E0555	03/01/18 - 16:54 - Thu

VICTIMS**ORGANIZATIONS**

Org #: 1 VictimType: SOCIETY / PUBLIC

Organization Name
SOCIETY

Commonplace Name

INVOLVED PERSONS**SUSPECTS**

Suspect #: 1 Arrested: NO

Last Name	First Name	Middle Name	Suffix	Moniker
NOLES	JORDAN	BRIANNA		

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Page 1 of 2

Page 51 of 84

BRENTWOOD POLICE DEPARTMENT

5211 Maryland Way Brentwood, TN 37027
Phone (615) 371-0160 Fax (615) 371-2228

Case #

BPD-18-00567**INCIDENT REPORT**

Date of Birth 07/28/1993	Age to 24	Age From	Race WHITE	Sex FEMALE	Height 509	Weight 140	Hair Color BROWN	Eye Color BROWN
Main Address 109 CRESTSIDE COURT	Apartment			City SMYRNA	State TN	Zip Code 37167	Country	
Occupation Name JEFFERSONS RESTAURANT				Occupation Description ALL OTHER				
Occupation Address 214 WARD CIR	Apartment 1200			City BRENTWOOD	State TN	Zip Code 37027		
License Number [REDACTED]	License State [REDACTED]	SSN [REDACTED]	BPID Number		Email			
Hair Style	Hair Length	Complexion	Build 2 MEDIUM	Facial Hair		Wears Glasses		

RELATED OFFENSE**NARRATIVE-**

1. On February 27, 2018, BPD Detective Breedlove assisted agents of the Tennessee Alcoholic Beverage Commission (TABC) with an underage alcohol sales investigation. TABC agents used the assistance of a confidential informant (CI) under the age of 21, who attempted to purchase alcohol at a number of businesses within the city of Brentwood. The CI was under direct supervision of undercover TABC agents during each purchase attempt.
2. At approximately 5:00pm on 2/27/2018 the CI was served a draft beer at Jefferson's located at 214 Ward Circle, Suite 1200. Server Jordan NOLES checked the CI's identification card, and then served the CI a draft beer. The sale was witnessed by two TABC special agents working in an undercover capacity.
3. TABC enforcement agents approached NOLES and identified themselves to her, and issued a State of Tennessee Misdemeanor Citation to her for the sale, which is a violation of TCA 57-4-203.
4. TABC agents also issued an administrative citation to the business for violations of TABC rules & regulations under TCA 57-4-203.
5. Detective Breedlove photographed the establishment's City of Brentwood Beer Permit, which was displayed in a place that could be observed by the public, and has attached the photograph to this Incident Report.
6. This investigation is closed by exception - prosecuted by other agency.

BRENTWOOD POLICE DEPARTMENT CONTROLLED DOCUMENT - DO NOT DUPLICATE

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BRENTWOOD POLICE DEPARTMENT



5211 Maryland Way Brentwood, TN 37027
Phone (615) 371-0160 Fax (615) 371-2228

Case #
BPD-18-00567

INCIDENT SUPPLEMENT REPORT

Supplement #
.001

OFFICER

Involvement Type
Approving

Officer Name
ONEIL, DAVID E0555

Date
03/01/18 - 16:50 - Thu

NARRATIVE

1. Reference is made to the original Incident Report by Det. Breedlove in this investigative case file.
2. The purpose of this Supplement Report is to add the attached State of Tennessee Misdemeanor Citation, as well as the State of Tennessee Regulatory Citation(s) that were issued by agents of the Tennessee Alcoholic Beverage Commission (TABC) during the 2/27/2018 operation in Brentwood.
3. This investigation is closed due to being prosecuted by another jurisdiction (TABC).

BRENTWOOD POLICE DEPARTMENT CONTROLLED DOCUMENT - DO NOT DUPLICATE

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Page 1 of 1

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**BRENTWOOD BEER BOARD
PENALTY GUIDELINES
(Adopted April 22, 2002)**

The following guidelines are intended to provide standards to the Brentwood Beer Board in imposing penalties for violations of state or local beer laws and regulations in a fair, reasonable and consistent manner. These guidelines are not intended to dictate the penalty to be imposed, but rather to provide guidance to the members of the Board in their decisions. For each violation heard by the Beer Board, the Board will continue to have complete discretion to exercise any and all powers granted by state law and local ordinance. In each case, the Board may agree that a greater or lesser penalty should be imposed due to aggravating or mitigating circumstances.

In applying the penalties below, it is suggested that if no violations have occurred within the previous three years, the incident will be treated as a first violation. The “alternative” penalties set forth below would be allowed only if the Beer Board deems that the permit holder had appropriate training and/or other preventative measures in place to prevent violations of the beer laws, and that appropriate steps will be taken to prevent future violations. As a condition of the alternative penalty, the Beer Board may require the permit holder to submit documentation regarding training programs in place. It is suggested that the penalty period begin one week following the Beer Board’s decision, in order to provide time for the permit holder to comply with the conditions of the alternative penalty.

	<u>Penalty</u>	<u>Alternative</u>
First violation	<i>30 day suspension</i>	<i>One week suspension/post signs*</i>
Second violation	<i>45 day suspension</i>	<i>Two week suspension/post signs*</i>
Third violation	<i>60 day suspension</i>	<i>No alternative</i>
Fourth violation	<i>Revocation**</i>	<i>No alternative</i>

** See attached wording and specifications for sign to be posted at each entrance and on each beer cooler door.*

*** In order to impose revocation, there must be at least two violations within a 12-month period.*

Note: At the time of adoption of these guidelines, Tennessee law also provided that the Beer Board may offer a permit holder the alternative of paying a monetary penalty of up to \$1,500 for the sale of beer to a minor, or up to \$1,000 for other violations. The maximum penalty for the sale of beer to a minor was subsequently increased to \$2,500. However, the Tennessee General Assembly also created a “Responsible Vendor” program for off-premises beer permit holders. The permit of an off-premises permit holder who complies with this program may not be suspended or revoked. However, a monetary penalty not to exceed \$1,000 may be imposed on a “Responsible Vendor” for the sale of beer to a minor or any other offense.

NO BEER SALES

BEER WAS SOLD TO A MINOR
AT THIS LOCATION.
PERMIT SUSPENDED.

By order of the
City of Brentwood Beer Board.

{Above text to be printed in red lettering, with top line approximately 1 ½ inches tall; middle lines approximately 1 inch tall; and bottom line approximately 1 inch tall.}

Brentwood Beer Violation History

<u>Name of Business</u>	<u>Address</u>	<u>Date of Violation</u>	<u>Suspension/Penalty</u>
55 South	7031 Executive Center Dr	02/27/2018	TBD
Amoco Food Shop	7112 Moores Lane	8/9/97	30 day probation
B P Oil	7108 Moores Lane	4/23/93	105 days
B P Oil	158 Franklin Road	3/5/93	4 months
Brentwood Market & Deli	925 Franklin Road	5/18/94	45 days
Bricks	330 Franklin Road	02/27/2018	TBD
BurgerFi	7010 Executive Center Dr	02/27/2018	N/A; ownership change prior to hearing
Canyon Café	1645 Westgate Circle	8/19/99	30 days
Chili's Grill & Bar	107 Creekside Crossing	12/28/13	7 days with signs
Church Street Pub (a/k/a The Pub or the Pac)	7022 Church Street	August 2004	6 months
Concord General Store	1101 Wilson Pike	5/18/94	30 days
Cozymel's Coastal Grill	1654 Westgate Circle	12/28/13	7 days with signs
Gulf Market	158 Franklin Road	2/19/89	60 days
H. G. Hill #21	235 Franklin Road	3/15/02	Paid \$1500 penalty
Hanabi	214 Ward Circle	02/27/2018	TBD
Kroger	330 Franklin Road	5/18/94	45 days
Kwik Sak	7116 Moores Lane	3/8/02 5/18/94	30 days (new owner) 45 days
Jeffersons	214 Ward Circle	02/27/2018	TBD
Judge Bean's BBQ	7022 Church Street	12/28/13	7 days with signs
Little Bros Amoco	141 Franklin Road	3/15/02 5/18/94	7 days with signs 120 days

		3/5/93	60 days
Local Taco	146 Pewitt Drive	02/27/2018	TBD
Mapco Express	8009 Moores Lane	5/18/94	45 days
Williams Express (formerly Mapco)		8/19/99	30 days
		05/20/2016	Paid \$1000 penalty
Piggly Wiggly	144 Wilson Pike	5/18/94	45 days
Shogun Steakhouse	1648 Westgate Circle	8/19/99	30 days
Sportsman Lodge	1640 Westgate Circle	8/19/99	30 days
Star Market	120 Franklin Road	10/19/84	30 day probation
		4/4/85	30 days
Stout	400 Centerview Drive	02/27/2018	TBD
The Smokey Cigar 2	1800 Carothers Pkwy,Ste 1	05/20/2016	Paid \$1000 penalty

TO THE BRENTWOOD BEER BOARD
To be submitted in advance of violation hearing

Business name: **Jefferson's Restaurant**

Address: 214 Ward Circle, Brentwood, TN 37027

Does this business wish to contest the charges described in the summons?

_____ Yes ☒ No

If "no," please provide the following information (using additional pages if necessary):

- (a) Description of the employee training programs and other preventative measures designed to prevent violations of the beer laws before the violation occurred
ALL FRONT OF HOUSE STAFF INVOLVED IN THE SALE OF ALCOHOL ARE REQUIRED TO TAKE A 6 HOUR TABC CERTIFIED ALCOHOL AWARENESS CLASS. THE MANAGEMENT TEAM MONITORS AND COACHES ON RESPONSIBLE ALCOHOL SERVICE REGULARLY. I TOOK A TWO DAY COURSE TO BECOME A CERTIFIED TRAINER TO BETTER UNDERSTAND AND TEACH RESPONSIBLE ALCOHOL SERVICE.
- (b) Did the employee charged with selling beer to an underaged person complete all required training?

☒ Yes _____ No

- (c) Reasons the preventative measures failed, resulting in this violation
THE EMPLOYEE DID NOT TAKE ENOUGH TIME TO LOOK AT THE ID IN DETAIL TO RECOGNIZE IT WAS AN UNDERAGE INDIVIDUAL.

- (d) Any subsequent measures taken since the violation occurred to prevent future occurrences


THE EMPLOYEE WHO VIOLATED THE LAW WAS TERMINATED. ON 4/4/18 THE ENTIRE FRONT OF HOUSE STAFF VOLUNTARILY TOOK PART IN AN ORGANIZED TABC 20 CLASS. ON 3/28/18 AND 4/10/18 I MET WITH TWO SEPRATE TABC AGENTS AND ASKED FOR ADVICE ON HOW WE COULD DO BETTER. WE HAVE ENLISTED IN THE BARS PROGRAM TO SELF-REGULATE THE SALE OF ALCOHOL.

For off-premises permit holders only: Is this business a participant in Tennessee's Responsible Vendor program and compliant with the program's requirements?

_____ Yes _____ No

Submitted by:

(Print name and title) **NICK CARULLA OWNER**

Signature: 

Date: **4/19/18**

Brentwood Beer Board Agenda

Meeting Date: 06/14/2018

Submitted by: Holly Earls, Administration

Department: Administration

Information

Subject

Beer Law Violation Hearing - Local Taco, 146 Pewitt Drive

Background

In conjunction with a joint operation carried out by the Brentwood Police Department and the Tennessee Alcoholic Beverage Commission, an underage informant purchased beer at Local Taco on February 27, 2018, at approximately 9:00 p.m. The employee who served the informant has been charged with a Class A misdemeanor. Separately, the Brentwood Beer Board is empowered to take action against the restaurant for violating Tennessee law and/or the Brentwood Municipal Code.

A summons (copy attached) was served on the manager of Local Taco on April 17, 2018, requiring an appearance before the Beer Board on June 14, 2018 at 5:00 p.m.. A suggested procedural format used in previous Beer Board proceedings is also attached. A questionnaire was returned by the permit holder indicating that the permit holder does not wish to contest the charges. It also includes documentation showing measures that were in place to prevent the sale of beer to minors and subsequent measures that have been taken to prevent future occurrences.

Since Local Taco is not contesting the charges, there is no need for an evidentiary hearing in this matter. To supplement the documentation provided to the City, representatives may also make statements to the Beer Board at the June 14 hearing. At the conclusion of the hearing, the Beer Board will then discuss and vote upon the appropriate penalty, if any, to be imposed.

For the sale of beer to a minor at this location, the Beer Board may suspend the beer permit. (If a permit holder has committed at least two violations within a 12-month period, the Beer Board may permanently revoke the beer permit. That is not the case in this matter.) At the time a suspension or revocation is imposed, state law authorizes the Beer Board to offer the permit holder the alternative of paying a civil penalty in lieu of the suspension or revocation. For the offense of selling beer to a minor, the civil penalty may not exceed \$2,500. If a civil penalty is offered as an alternative, a permit holder must pay the penalty within seven days; otherwise, the suspension or revocation will go into effect.

In 2002, the Beer Board adopted guidelines for penalties to be imposed when beer permit holders violate the beer laws. Those guidelines are also attached. The guidelines are intended to provide for consistency in the way beer law violations are handled, although the Beer Board has discretion to impose penalties other than those outlined in the guidelines.

Finally, when the sale of beer for on-premises consumption results in a suspension or revocation by a local beer board, state law requires that notification of the beer board's action be sent by certified mail to the Tennessee Alcoholic Beverage Commission (ABC). The ABC may then take further action against the permit holder.

Please contact the City Attorney if you have questions about this matter.

Staff recommendation

Attachments

Hearing Format
Summons & Incident Report
Penalty Guidelines
Beer Violations History
Questionnaire

BRENTWOOD BEER BOARD
June 14, 2018
Case No. BBB-2018-06
Violation Hearing - Procedural Format
Local Taco, 146 Pewitt Drive

1. Chairman calls case number and permit holder's name: *Case No. BBB-2018-06, Local Taco.*
2. Chairman asks permit holder's representative to step forward and identify him/herself
3. Chairman reads the charges against the permit holder: *The Chief of Police and the City Manager of the City of Brentwood have brought the following charges: On the 27th day of February, 2018, your employee or agent, Joshua Stark, unlawfully sold beer to a person under the age of 21 years at Local Taco, located at 146 Pewitt Drive.*
4. Chairman states: *In documents filed with the Beer Board, Local Taco has indicated that it does not wish to contest the charges brought against it. We have also received documentation of measures that were in place to prevent the sale of beer to minors and subsequent measures that have been taken to prevent future occurrences. Do you have any further statements you wish to make to the Beer Board that related to this matter?*
5. Following the representative's statement (if any) the chairman and other members of the Beer Board (upon being recognized by the chairman) may ask questions of the representative.
6. Following questions and discussion by the Beer Board members, any member may move to impose a penalty (or that no penalty be imposed.) The penalty may be based on the penalty guidelines adopted by the Beer Board, or it may deviate from the guidelines at the Beer Board's discretion. A motion to suspend or revoke a permit should state the date on which the suspension or revocation is to be effective. Upon a second to the motion and any further discussion, a vote is taken on the motion. The motion passes if a majority of the board members present and voting vote for the motion.

**BEFORE THE BEER BOARD FOR THE CITY OF BRENTWOOD, TENNESSEE
NOTICE OF HEARING ON BEER LAW VIOLATIONS**

TO: Anne Claire Roberts (or current manager)
Local Taco
146 Pewitt Drive
Brentwood, TN 37027

Case No. BBB-2018-06

You are hereby summoned to appear before the Beer Board for the City of Brentwood, Tennessee on **June 14, 2018 at 5:00 p.m.**, at Brentwood City Hall, 5211 Maryland Way, Brentwood, Tennessee to then and there show cause, if any you have, why the beer permit of Local Taco at 146 Pewitt Drive, Brentwood, Tennessee, should not be suspended or why other disciplinary action should not be taken by said Beer Board for the following reasons, to wit:

On the 27th day of February, 2018 at approximately 9:00 p.m., your employee or agent, Joshua Stark, unlawfully sold beer to a person under the age of twenty-one (21) years at Local Taco at 146 Pewitt Drive, within the corporate limits of the City of Brentwood, Tennessee, contrary to T.C.A. §57-5-301(a). Such unlawful sale of beer constitutes grounds for beer permit suspension under T.C.A. §57-5-108.

At the hearing referenced above, you are entitled to be represented by an attorney of your choice.

These proceedings are initiated at the request of the Chief of Police and the City Manager of the City of Brentwood, pursuant to the powers and duties assigned to them under the Charter of the City of Brentwood.



KIRK BEDNAR
City Manager



JEFF HUGHES
Chief of Police



KRISTEN L. CORN
City Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing notice has been served by hand delivery upon Anne Claire Roberts (or current manager WILLIAM BEELS), c/o Local Taco, 146 Pewitt Drive, Brentwood, Tennessee 37027, on this the 4/17/18 day of April, 2018.

A handwritten signature in blue ink, appearing to read "R. Beels", is written above a horizontal line.

Brentwood Police Department

BRENTWOOD POLICE DEPARTMENT



5211 Maryland Way Brentwood, TN 37027
Phone (615) 371-0160 Fax (615) 371-2228

Case #

BPD-18-00573

INCIDENT REPORT

INCIDENT

Commonplace Name THE LOCAL TACO		Description of Incident UNDERAGE SALE OF ALCOHOLIC BEVERAGE		
Address 146 PEWITT DR	Apt	City BRENTWOOD	State TN	Zip Code 37027
Date Reported 02/28/18 - 17:59 - Wed	Occurred From 02/27/18 - 21:00 - Tue	Occurred To 02/27/18 - 21:05 - Tue		
Cross Refer Case Number	Prosecute YES	ZONE BUSINESS	DISTRICT 3	

OFFENSES

Offense VIOLATION OF ALCOHOLIC BEVERAGE LAWS	Degree MISDEMEANOR
---	-----------------------

PERSONS SUMMARY

Role	Role #	Name (Last Suffix, First Middle)	Race	Sex	DOB
SUSPECT	1	STARK, JOSHUA KAYE	W	M	05/01/1983

BUSINESSES SUMMARY

Name	Org #	Victim Type	Involvement Type
SOCIETY	1	SOCIETY / PUBLIC	Victim of Incident

OFFICERS

Involvement Type Reporting	Officer Name BREEDLOVE, ADRIAN E0558	Date 02/28/18 - 18:04 - Wed
-------------------------------	---	--------------------------------

OFFICERS

Involvement Type Approving	Officer Name ONEIL, DAVID E0555	Date 03/01/18 - 16:28 - Thu
-------------------------------	------------------------------------	--------------------------------

VICTIMS

ORGANIZATIONS

Org #: 1	VictimType: SOCIETY / PUBLIC
----------	------------------------------

Organization Name SOCIETY	Commonplace Name
------------------------------	------------------

INVOLVED PERSONS

SUSPECTS

Suspect #: 1	Arrested: NO
--------------	--------------

Last Name STARK	First Name JOSHUA	Middle Name KAYE	Suffix	Moniker
--------------------	----------------------	---------------------	--------	---------

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BRENTWOOD POLICE DEPARTMENT

5211 Maryland Way Brentwood, TN 37027
Phone (615) 371-0160 Fax (615) 371-2228

Case #

BPD-18-00573

INCIDENT REPORT

Date of Birth 05/01/1983	Age to 34	Age From	Race WHITE	Sex MALE	Height 509	Weight 180	Hair Color BLOND OR STRAWBERRY	Eye Color BLUE
Occupation Name THE LOCAL TACO				Occupation Description ALL OTHER				
Occupation Address 146 PEWITT DR			Apartment	City BRENTWOOD	State TN	Zip Code 37027		
License Number	License State	SSN	BPID Number	Email				

RELATED OFFENSE

NARRATIVE-

1. On February 27, 2018, BPD Detective Breedlove assisted agents of the Tennessee Alcoholic Beverage Commission (TABC) with an underage alcohol sales investigation. TABC agents used the assistance of a confidential informant (CI) under the age of 21, who attempted to purchase alcohol at a number of businesses within the city of Brentwood. The CI was under direct supervision of undercover TABC agents during each purchase attempt.
2. At approximately 9:00pm on 2/27/2018 the CI was served a bottle of Michelob Ultra beer at Local Taco located at 146 Pewitt Drive. Bartender Joshua STARK checked the CI's identification card, and then served the CI the alcoholic beverage. The sale was witnessed by two TABC special agents working in an undercover capacity.
3. TABC enforcement agents approached STARK and identified themselves to him, and issued a State of Tennessee Misdemeanor Citation to him for the sale, which is a violation of TCA 57-4-203.
4. TABC agents also issued an administrative citation to the business for violations of TABC rules & regulations under TCA 57-4-203.
5. Detective Breedlove photographed the establishment's City of Brentwood Beer Permit, which was displayed in a place that could be observed by the public, and attached the photograph to this Incident Report.
6. This investigation is closed by exception - prosecuted by other agency.

BRENTWOOD POLICE DEPARTMENT CONTROLLED DOCUMENT - DO NOT DUPLICATE

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BRENTWOOD POLICE DEPARTMENT

5211 Maryland Way Brentwood, TN 37027
Phone (615) 371-0160 Fax (615) 371-2228

Case #
BPD-18-00573

Supplement #
.001

INCIDENT SUPPLEMENT REPORT**OFFICER**

Involvement Type Reporting	Officer Name BREEDLOVE, ADRIAN E0558	Date 03/01/18 - 16:29 - Thu
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OFFICER

Involvement Type Approving	Officer Name ONEIL, DAVID E0555	Date 03/02/18 - 16:51 - Fri
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NARRATIVE

1. Reference is made to the original Incident Report by Det. Breedlove in this investigative case file.
2. The purpose of this Supplement Report is to add the attached State of Tennessee Misdemeanor Citation, as well as the State of Tennessee Regulatory Citation(s) that were issued by agents of the Tennessee Alcoholic Beverage Commission (TABC) during the 2/27/2018 operation in Brentwood.
3. This investigation is closed due to being prosecuted by another jurisdiction (TABC).

BRENTWOOD POLICE DEPARTMENT CONTROLLED DOCUMENT - DO NOT DUPLICATE

Printed: 03/05/18 08:22

Printed By: BREEDLOVE, ADRIAN

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**BRENTWOOD BEER BOARD
PENALTY GUIDELINES
(Adopted April 22, 2002)**

The following guidelines are intended to provide standards to the Brentwood Beer Board in imposing penalties for violations of state or local beer laws and regulations in a fair, reasonable and consistent manner. These guidelines are not intended to dictate the penalty to be imposed, but rather to provide guidance to the members of the Board in their decisions. For each violation heard by the Beer Board, the Board will continue to have complete discretion to exercise any and all powers granted by state law and local ordinance. In each case, the Board may agree that a greater or lesser penalty should be imposed due to aggravating or mitigating circumstances.

In applying the penalties below, it is suggested that if no violations have occurred within the previous three years, the incident will be treated as a first violation. The “alternative” penalties set forth below would be allowed only if the Beer Board deems that the permit holder had appropriate training and/or other preventative measures in place to prevent violations of the beer laws, and that appropriate steps will be taken to prevent future violations. As a condition of the alternative penalty, the Beer Board may require the permit holder to submit documentation regarding training programs in place. It is suggested that the penalty period begin one week following the Beer Board’s decision, in order to provide time for the permit holder to comply with the conditions of the alternative penalty.

	<u>Penalty</u>	<u>Alternative</u>
First violation	<i>30 day suspension</i>	<i>One week suspension/post signs*</i>
Second violation	<i>45 day suspension</i>	<i>Two week suspension/post signs*</i>
Third violation	<i>60 day suspension</i>	<i>No alternative</i>
Fourth violation	<i>Revocation**</i>	<i>No alternative</i>

** See attached wording and specifications for sign to be posted at each entrance and on each beer cooler door.*

*** In order to impose revocation, there must be at least two violations within a 12-month period.*

Note: At the time of adoption of these guidelines, Tennessee law also provided that the Beer Board may offer a permit holder the alternative of paying a monetary penalty of up to \$1,500 for the sale of beer to a minor, or up to \$1,000 for other violations. The maximum penalty for the sale of beer to a minor was subsequently increased to \$2,500. However, the Tennessee General Assembly also created a “Responsible Vendor” program for off-premises beer permit holders. The permit of an off-premises permit holder who complies with this program may not be suspended or revoked. However, a monetary penalty not to exceed \$1,000 may be imposed on a “Responsible Vendor” for the sale of beer to a minor or any other offense.

NO BEER SALES

BEER WAS SOLD TO A MINOR
AT THIS LOCATION.
PERMIT SUSPENDED.

By order of the
City of Brentwood Beer Board.

{Above text to be printed in red lettering, with top line approximately 1 ½ inches tall; middle lines approximately 1 inch tall; and bottom line approximately 1 inch tall.}

Brentwood Beer Violation History

<u>Name of Business</u>	<u>Address</u>	<u>Date of Violation</u>	<u>Suspension/Penalty</u>
55 South	7031 Executive Center Dr	02/27/2018	TBD
Amoco Food Shop	7112 Moores Lane	8/9/97	30 day probation
B P Oil	7108 Moores Lane	4/23/93	105 days
B P Oil	158 Franklin Road	3/5/93	4 months
Brentwood Market & Deli	925 Franklin Road	5/18/94	45 days
Bricks	330 Franklin Road	02/27/2018	TBD
BurgerFi	7010 Executive Center Dr	02/27/2018	N/A; ownership change prior to hearing
Canyon Café	1645 Westgate Circle	8/19/99	30 days
Chili's Grill & Bar	107 Creekside Crossing	12/28/13	7 days with signs
Church Street Pub (a/k/a The Pub or the Pac)	7022 Church Street	August 2004	6 months
Concord General Store	1101 Wilson Pike	5/18/94	30 days
Cozymel's Coastal Grill	1654 Westgate Circle	12/28/13	7 days with signs
Gulf Market	158 Franklin Road	2/19/89	60 days
H. G. Hill #21	235 Franklin Road	3/15/02	Paid \$1500 penalty
Hanabi	214 Ward Circle	02/27/2018	TBD
Kroger	330 Franklin Road	5/18/94	45 days
Kwik Sak	7116 Moores Lane	3/8/02 5/18/94	30 days (new owner) 45 days
Jeffersons	214 Ward Circle	02/27/2018	TBD
Judge Bean's BBQ	7022 Church Street	12/28/13	7 days with signs
Little Bros Amoco	141 Franklin Road	3/15/02 5/18/94	7 days with signs 120 days

		3/5/93	60 days
Local Taco	146 Pewitt Drive	02/27/2018	TBD
Mapco Express	8009 Moores Lane	5/18/94	45 days
Williams Express (formerly Mapco)		8/19/99	30 days
		05/20/2016	Paid \$1000 penalty
Piggly Wiggly	144 Wilson Pike	5/18/94	45 days
Shogun Steakhouse	1648 Westgate Circle	8/19/99	30 days
Sportsman Lodge	1640 Westgate Circle	8/19/99	30 days
Star Market	120 Franklin Road	10/19/84	30 day probation
		4/4/85	30 days
Stout	400 Centerview Drive	02/27/2018	TBD
The Smokey Cigar 2	1800 Carothers Pkwy,Ste 1	05/20/2016	Paid \$1000 penalty

TO THE BRENTWOOD BEER BOARD
To be submitted in advance of violation hearing

Business name: **Local Taco**

Address: 146 Pewitt Drive, Brentwood, TN 37027

Does this business wish to contest the charges described in the summons?

_____ Yes ☒ No

If "no," please provide the following information (using additional pages if necessary):

- (a) Description of the employee training programs and other preventative measures designed to prevent violations of the beer laws before the violation occurred

All of our employees are trained to request identification and refuse service to underage persons. All of our employees (including the employee mentioned in the notice) attended ID class.

- (b) Did the employee charged with selling beer to an underage person complete all required training?

☒ Yes _____ No (including ID class)

- (c) Reasons the preventative measures failed, resulting in this violation

Human error. Employee was immediately terminated for violating our policy.

- (d) Any subsequent measures taken since the violation occurred to prevent future occurrences

Employees were reminded of the policy, and ID scanners will be installed in our stores.

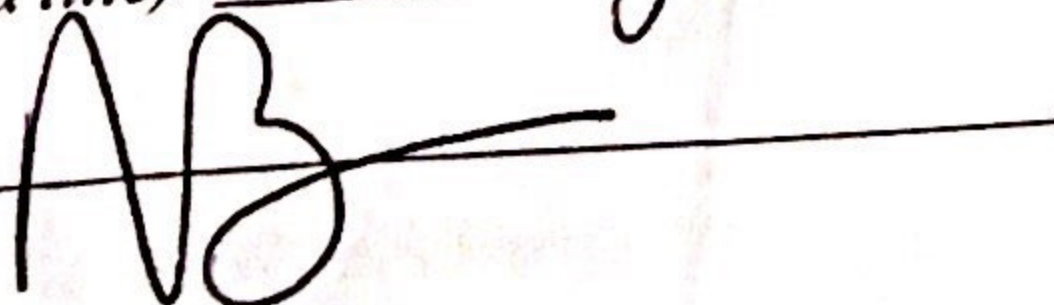
For off-premises permit holders only: Is this business a participant in Tennessee's Responsible Vendor program and compliant with the program's requirements?

_____ Yes _____ No

Submitted by:
(Print name and title)

Reagan Brown COO

Signature:



Date:

5/18/18

Brentwood Beer Board Agenda

Meeting Date: 06/14/2018

Submitted by: Holly Earls, Administration

Department: Administration

Information

Subject

Beer Law Violation Hearing - Stout Burgers and Beers, 400 Centerview Drive

Background

In conjunction with a joint operation carried out by the Brentwood Police Department and the Tennessee Alcoholic Beverage Commission, an underage informant purchased beer at Stout Burgers and Beers on February 27, 2018, at approximately 6:50 p.m. The employee who served the informant has been charged with a Class A misdemeanor. Separately, the Brentwood Beer Board is empowered to take action against the restaurant for violating Tennessee law and/or the Brentwood Municipal Code.

A summons (copy attached) was served on the manager of Stout Burgers and Beers on April 17, 2018, requiring an appearance before the Beer Board on June 14, 2018 at 5:00 p.m.. A suggested procedural format used in previous Beer Board proceedings is also attached. A questionnaire was returned by the permit holder indicating that the permit holder does not wish to contest the charges. It also includes documentation showing measures that were in place to prevent the sale of beer to minors and subsequent measures that have been taken to prevent future occurrences.

Since Stout Burgers and Beers is not contesting the charges, there is no need for an evidentiary hearing in this matter. To supplement the documentation provided to the City, representatives may also make statements to the Beer Board at the June 14 hearing. At the conclusion of the hearing, the Beer Board will then discuss and vote upon the appropriate penalty, if any, to be imposed.

For the sale of beer to a minor at this location, the Beer Board may suspend the beer permit. (If a permit holder has committed at least two violations within a 12-month period, the Beer Board may permanently revoke the beer permit. That is not the case in this matter.) At the time a suspension or revocation is imposed, state law authorizes the Beer Board to offer the permit holder the alternative of paying a civil penalty in lieu of the suspension or revocation. For the offense of selling beer to a minor, the civil penalty may not exceed \$2,500. If a civil penalty is offered as an alternative, a permit holder must pay the penalty within seven days; otherwise, the suspension or revocation will go into effect.

In 2002, the Beer Board adopted guidelines for penalties to be imposed when beer permit holders violate the beer laws. Those guidelines are also attached. The guidelines are intended to provide for consistency in the way beer law violations are handled, although the Beer Board has discretion to impose penalties other than those outlined in the guidelines.

Finally, when the sale of beer for on-premises consumption results in a suspension or revocation by a local beer board, state law requires that notification of the beer board's action be sent by certified mail to the Tennessee Alcoholic Beverage Commission (ABC). The ABC may then take further action against the permit holder.

Please contact the City Attorney if you have questions about this matter.

Staff recommendation

Attachments

Hearing Format
Summons & Incident Report
Penalty Guidelines
Beer Violations History
Questionnaire

BRENTWOOD BEER BOARD
June 14, 2018
Case No. BBB-2018-07
Violation Hearing - Procedural Format
Stout Burgers and Beers, 400 Centerview Drive

1. Chairman calls case number and permit holder's name: *Case No. BBB-2018-07, Stout Burgers and Beers.*
2. Chairman asks permit holder's representative to step forward and identify him/herself
3. Chairman reads the charges against the permit holder: *The Chief of Police and the City Manager of the City of Brentwood have brought the following charges: On the 27th day of February, 2018, your employee or agent, Sierrah Shipman, unlawfully sold beer to a person under the age of 21 years at Stout Burgers and Beers, located at 400 Centerview Drive.*
4. Chairman states: *In documents filed with the Beer Board, Stout Burgers and Beers has indicated that it does not wish to contest the charges brought against it. We have also received documentation of measures that were in place to prevent the sale of beer to minors and subsequent measures that have been taken to prevent future occurrences. Do you have any further statements you wish to make to the Beer Board that related to this matter?*
5. Following the representative's statement (if any) the chairman and other members of the Beer Board (upon being recognized by the chairman) may ask questions of the representative.
6. Following questions and discussion by the Beer Board members, any member may move to impose a penalty (or that no penalty be imposed.) The penalty may be based on the penalty guidelines adopted by the Beer Board, or it may deviate from the guidelines at the Beer Board's discretion. A motion to suspend or revoke a permit should state the date on which the suspension or revocation is to be effective. Upon a second to the motion and any further discussion, a vote is taken on the motion. The motion passes if a majority of the board members present and voting vote for the motion.

**BEFORE THE BEER BOARD FOR THE CITY OF BRENTWOOD, TENNESSEE
NOTICE OF HEARING ON BEER LAW VIOLATIONS**

TO: Ted Cash (or current manager)
Stout Burgers and Beers
400 Centerview Drive
Brentwood, TN 37027

Case No. BBB-2018-07

You are hereby summoned to appear before the Beer Board for the City of Brentwood, Tennessee on **June 14, 2018 at 5:00 p.m.**, at Brentwood City Hall, 5211 Maryland Way, Brentwood, Tennessee to then and there show cause, if any you have, why the beer permit of Stout Burgers and Beers at 400 Centerview Drive, Brentwood, Tennessee, should not be suspended or why other disciplinary action should not be taken by said Beer Board for the following reasons, to wit:


On the 27th day of February, 2018 at approximately 6:50 p.m., your employee or agent, Sierrah Shipman, unlawfully sold beer to a person under the age of twenty-one (21) years at Stout Burgers and Beers at 400 Centerview Drive, within the corporate limits of the City of Brentwood, Tennessee, contrary to T.C.A. §57-5-301(a). Such unlawful sale of beer constitutes grounds for beer permit suspension under T.C.A. §57-5-108.

At the hearing referenced above, you are entitled to be represented by an attorney of your choice.


These proceedings are initiated at the request of the Chief of Police and the City Manager of the City of Brentwood, pursuant to the powers and duties assigned to them under the Charter of the City of Brentwood.



KIRK BEDNAR
City Manager



JEFF HUGHES
Chief of Police



KRISTEN L. CORN
City Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing notice has been served by hand delivery upon Ted Cash (or current manager CALEB TAYLOR), c/o Stout Burgers and Beers, 400 Centerview Drive, Brentwood, Tennessee 37027, on this the 4/19/18 day of April, 2018.



Brentwood Police Department



BRENTWOOD POLICE DEPARTMENT
5211 Maryland Way Brentwood, TN 37027
Phone (615) 371-0160 Fax (615) 371-2228

Case #
BPD-18-00570

INCIDENT REPORT

INCIDENT

Commonplace Name STOUT BURGERS AND BEER	Description of Incident UNDERAGE SALE OF ALCOHOLIC BEVERAGE
Address 400 CENTERVIEW DR	Apt City BRENTWOOD
Date Reported 02/28/18 - 17:31 - Wed	State TN
Cross Refer Case Number	Zip Code 37027
	Occurred From 02/27/18 - 18:50 - Tue
	Occurred To 02/27/18 - 18:55 - Tue
	Prosecute ZONE BUSINESS
	DISTRICT 3

OFFENSES

Offense VIOLATION OF ALCOHOLIC BEVERAGE LAWS	Degree MISDEMEANOR
---	-----------------------

PERSONS SUMMARY

Role	Role #	Name (Last Suffix, First Middle)	Race	Sex	DOB
SUSPECT	1	SHIPMAN, SIERRAH LINN	W	F	07/23/1997

BUSINESSES SUMMARY

Name	Org #	Victim Type	Involvement Type
SOCIETY	1	SOCIETY / PUBLIC	Victim of Incident

OFFICERS

Involvement Type Reporting	Officer Name BREEDLOVE, ADRIAN E0558	Date 02/28/18 - 17:41 - Wed
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OFFICERS

Involvement Type Approving	Officer Name ONEIL, DAVID E0555	Date 03/01/18 - 16:29 - Thu
-------------------------------	------------------------------------	--------------------------------

VICTIMS

ORGANIZATIONS

Org #: 1	VictimType: SOCIETY / PUBLIC
----------	------------------------------

Organization Name SOCIETY	Commonplace Name
------------------------------	------------------

INVOLVED PERSONS

SUSPECTS

Suspect #: 1	Arrested: NO							
Last Name SHIPMAN	First Name SIERRAH	Middle Name LINN	Suffix	Moniker				
Date of Birth 07/23/1997	Age to 20	Age From	Race WHITE	Sex FEMALE	Height 501	Weight 107	Hair Color BROWN	Eye Color BROWN

BRENTWOOD POLICE DEPARTMENT CONTROLLED DOCUMENT - DO NOT DUPLICATE

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BRENTWOOD POLICE DEPARTMENT

5211 Maryland Way Brentwood, TN 37027
Phone (615) 371-0160 Fax (615) 371-2228

Case #

BPD-18-00570

INCIDENT REPORT

Main Address 449 WESTRIDGE CIRCLE	Apartment	City ANAHEIM	State CA	Zip Code 92807	Country
Occupation Name STOUT BURGERS AND BEER		Occupation Description ALL OTHER			
Occupation Address 400 CENTERVIEW DR	Apartment	City BRENTWOOD	State TN	Zip Code 37027	
License Number	License State	SSN	BPID Number	Email	

RELATED OFFENSE

NARRATIVE-

1. On February 27, 2018, BPD Detective Breedlove assisted agents of the Tennessee Alcoholic Beverage Commission (TABC) with an underage alcohol sales investigation. TABC agents used the assistance of a confidential informant (CI) under the age of 21, who attempted to purchase alcohol at a number of businesses within the city of Brentwood. The CI was under direct supervision of undercover TABC agents during each purchase attempt.
2. At approximately 6:50pm on 2/27/2018 the CI was served a glass of Zwickel beer at Stout Burgers & Beer located at 400 Centerview Drive. Server Sierrah SHIPMAN did not check the CI's identification card, but served the CI the glass of beer. The sale was witnessed by two TABC special agents working in an undercover capacity.
3. TABC enforcement agents approached SHIPMAN and identified themselves to her, and issued a State of Tennessee Misdemeanor Citation to her for the sale, which is a violation of TCA 57-4-203.
4. TABC agents also issued an administrative citation to the business for violations of TABC rules & regulations under TCA 57-4-203.
5. Detective Breedlove photographed the establishment's City of Brentwood Beer Permit, which was displayed in a place that could be observed by the public, and has attached the photograph to this Incident Report.
6. This investigation is closed by exception - prosecuted by other agency.

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BRENTWOOD POLICE DEPARTMENT



5211 Maryland Way Brentwood, TN 37027
Phone (615) 371-0160 Fax (615) 371-2228

Case #
BPD-18-00570

INCIDENT SUPPLEMENT REPORT

Supplement #
.001

OFFICER

Involvement Type
Approving

Officer Name
ONEIL, DAVID E0555

Date
03/01/18 - 16:53 - Thu

NARRATIVE

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PENALTY GUIDELINES
(Adopted April 22, 2002)**

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	<u>Penalty</u>	<u>Alternative</u>
First violation	<i>30 day suspension</i>	<i>One week suspension/post signs*</i>
Second violation	<i>45 day suspension</i>	<i>Two week suspension/post signs*</i>
Third violation	<i>60 day suspension</i>	<i>No alternative</i>
Fourth violation	<i>Revocation**</i>	<i>No alternative</i>

** See attached wording and specifications for sign to be posted at each entrance and on each beer cooler door.*

*** In order to impose revocation, there must be at least two violations within a 12-month period.*

Note: At the time of adoption of these guidelines, Tennessee law also provided that the Beer Board may offer a permit holder the alternative of paying a monetary penalty of up to \$1,500 for the sale of beer to a minor, or up to \$1,000 for other violations. The maximum penalty for the sale of beer to a minor was subsequently increased to \$2,500. However, the Tennessee General Assembly also created a “Responsible Vendor” program for off-premises beer permit holders. The permit of an off-premises permit holder who complies with this program may not be suspended or revoked. However, a monetary penalty not to exceed \$1,000 may be imposed on a “Responsible Vendor” for the sale of beer to a minor or any other offense.

NO BEER SALES

BEER WAS SOLD TO A MINOR
AT THIS LOCATION.
PERMIT SUSPENDED.

By order of the
City of Brentwood Beer Board.

{Above text to be printed in red lettering, with top line approximately 1 ½ inches tall; middle lines approximately 1 inch tall; and bottom line approximately 1 inch tall.}

Brentwood Beer Violation History

<u>Name of Business</u>	<u>Address</u>	<u>Date of Violation</u>	<u>Suspension/Penalty</u>
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		3/5/93	60 days
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		4/4/85	30 days
Stout	400 Centerview Drive	02/27/2018	TBD
The Smokey Cigar 2	1800 Carothers Pkwy,Ste 1	05/20/2016	Paid \$1000 penalty

TO THE BRENTWOOD BEER BOARD

To be submitted in advance of violation hearing

Business name: **Stout Burgers and Beers**

Address: 400 Centerview Drive, Brentwood, TN 37027

Does this business wish to contest the charges described in the summons?

_____ Yes ☒ No

If "no," please provide the following information (using additional pages if necessary):

(a) Description of the employee training programs and other preventative measures designed to prevent violations of the beer laws before the violation occurred *In addition to employees completing TABC certification program. Stout has added a pre-shift conversation reminding all servers about the law today's date on what is the youngest one is able to order an adult beverage.*

(b) Did the employee charged with selling beer to an underaged person complete all required training?

☒ Yes _____ No

(c) Reasons the preventative measures failed, resulting in this violation

To my knowledge the employee had been really busy at that particular moment and was rushing to get orders. I, Caleb Thorne GM, take full responsibility for this oversight.

(d) Any subsequent measures taken since the violation occurred to prevent future occurrences

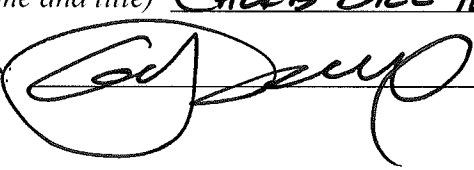
We have a write board at the server station. IN BOLD letters we have the date of a persons of 21 years of age.

For off-premises permit holders only: Is this business a participant in Tennessee's Responsible Vendor program and compliant with the program's requirements?

_____ Yes _____ No

Submitted by:

(Print name and title) CALEB BILL THORNE: GENERAL MANAGER

Signature: 

Date: 4/26/18