



**Agenda for the Meeting of Brentwood Beer Board
Monday, July 22, 2019 following City Commission meeting at 7:00 pm
Brentwood City Hall**

Call to Order by Mayor
Roll Call

Approval of Minutes

June 10, 2019

New Business

1. Request from Serve It Up Nashville, LLC for off premises beer permit at Brentwood Market, 925 Franklin Road (new business)
2. Beer Law Violation Hearing - Brick's Cafe & Bistro, LLC, 330 Franklin Road, Ste 913
3. Beer Law Violation Hearing - Chili's Grill & Bar, 107 Creekside Crossing
4. Beer Law Violation Hearing - Local Taco, 146 Pewitt Drive
5. 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: 07/22/2019

Submitted by: Holly Earls, Administration

Department: Administration

Information

Subject

Approval or correction of minutes from the June 10, 2019 meeting

Background

Staff recommendation

Attachments

Draft Minutes

DRAFT

MINUTES OF MEETING OF BRENTWOOD BEER BOARD

BRENTWOOD, TENNESSEE

The Brentwood Beer Board met on Monday, June 10, 2019 at 6:45 pm at Brentwood City Hall.

Present: Vice Mayor Ken Travis; Commissioner Nelson Andrews; Commissioner Anne Dunn; Commissioner Mark Gorman; Commissioner Rhea Little; Commissioner Susannah Macmillan; Commissioner Regina Smithson

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

Approval of Minutes

May 28, 2019

Moved by Commissioner Rhea Little for approval of the minutes as written, seconded by Commissioner Regina Smithson

Vote: 7 - 0 Approved - Unanimously

New Business

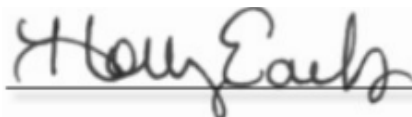
Request from Bluefin Sushi & Thai, LLC for on premises beer permit at Bluefin Sushi & Thai, 210 Franklin Road, Ste 700 (change in ownership of existing business)

Moved by Commissioner Mark Gorman for approval, seconded by Commissioner Susannah Macmillan

Vote: 7 - 0 Approved - Unanimously

With no further business, the meeting adjourned at 6:51 pm.

APPROVED _____



Holly Earls, City Recorder

Brentwood Beer Board Agenda

Meeting Date: 07/22/2019

Submitted by: Holly Earls, Administration

Department: Administration

Information

Subject

Request of Serve It Up Nashville, LLC for off-premises beer permit at Brentwood Market, 925 Franklin Road (new business)

Background

Serve It Up Nashville, LLC has requested an off-premises beer sales permit for the Brentwood Market located at 925 Franklin Road. The application is for a new business.

Staff recommendation

N/A

Attachments

Application

CITY OF BRENTWOOD BEER BOARD

APPLICATION FOR BEER PERMIT

\$250 APPLICATION FEE IS NON-REFUNDABLE



APPLICANT IS SEEKING A PERMIT WHICH WOULD ALLOW THE SALE OF BEER FOR:

- | | | |
|---|---|--|
| <input type="checkbox"/> ON-PREMISES CONSUMPTION ONLY | <input checked="" type="checkbox"/> OFF-PREMISES CONSUMPTION ONLY | <input type="checkbox"/> ON & OFF PREMISES CONSUMPTION |
| <input type="checkbox"/> MANUFACTURER | <input type="checkbox"/> DISTRIBUTOR | <input type="checkbox"/> ON-PREMISES CONSUMPTION – SPECIAL EVENT |

I HEREBY APPLY FOR A PERMIT TO SELL, STORE, MANUFACTURE OR DISTRIBUTE BEER OR OTHER BEVERAGES AUTHORIZED TO BE SOLD, STORED, MANUFACTURED OR DISTRIBUTED UNDER THE PROVISIONS OF TENN. CODE ANN. 57-5-101, et. seq. AND BRENTWOOD MUNICIPAL CODE 6-26, et. seq. AND THE AMENDMENTS THERETO AND BASE MY APPLICATION UPON THE ANSWERS TO THE FOLLOWING QUESTIONS:

1. Hailey Hiett, Serve It Up Nashville, LLC / DBA Brentwood Market
NAME OF APPLICANT AND TYPE OF OWNERSHIP (EX: INDIVIDUAL, CORPORATION, LLC, SOLE PROPRIETORSHIP OR PARTNERSHIP)

February 19, 2018
IF CORPORATION, LLC, LP, LLP, LIST PLACE & DATE INCORPORATED / REGISTERED WITH SEC. OF STATE

2. APPLICANT CONTACT INFORMATION: 415-417-2414 serveitupnashville@gmail.com
PHONE NUMBER EMAIL

3. Brentwood Market
BUSINESS OR EVENT NAME (this is the name that will appear on the Beer Permit)

4. 925 Franklin Rd. Brentwood, TN 37027
BUSINESS ADDRESS OR ADDRESS OF EVENT FOR WHICH A PERMIT IS SOUGHT

5. BUSINESS PHONE NUMBER(S): 615-417-2414

6. Convenience Market w/ Fresh prepared Food
DESCRIBE THE TYPE OF BUSINESS YOU WILL OPERATE (EX: Bar, Restaurant, Convenience Market, Special Event)

7. REASON FOR PERMIT: (CHECK THE BOX THAT APPLIES)

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> NEW BUSINESS | <input type="checkbox"/> CHANGE IN LOCATION OF BUSINESS | <input type="checkbox"/> CHANGE IN OWNERSHIP OF EXISTING BUSINESS |
| <input type="checkbox"/> CHANGE IN TYPE OF PERMIT | <input type="checkbox"/> CHANGE IN NAME OF BUSINESS | <input type="checkbox"/> SPECIAL EVENT (SEE BELOW) |

FOR SPECIAL EVENTS, PLEASE LIST THE FOLLOWING:

DATE(S) AND TIME OF EVENT: NA

*SPECIAL EVENTS REQUIRE AN AUTHORIZATION LETTER GRANTING PERMISSION FROM THE PROPERTY OWNER TO BE SUBMITTED WITH THE APPLICATION.

8. IDENTIFY EACH AREA TO BE COVERED UNDER THIS BEER PERMIT (patio, deck, etc.)

Building

9. PROPERTY OWNER (OR LANDLORD/LESSOR): David Kornman
NAME

8138 Moores Ln., Brentwood TN 37027
ADDRESS

615-377-6053
PHONE NUMBER & EMAIL ADDRESS

7/2024
LEASE EXPIRATION DATE

10. LIST ALL PERSONS, FIRMS, CORPORATIONS, JOINT-STOCK COMPANIES, SYNDICATES OR ASSOCIATIONS HAVING AT LEAST A FIVE PERCENT (5%) OWNERSHIP INTEREST IN THE APPLICANT. COMPLETE IN DETAIL.

NAME (FIRST, MIDDLE, LAST)	TITLE & PERCENTAGE OF OWNERSHIP	ADDRESS (INCLUDE CITY, STATE AND ZIP)	CONTACT INFORMATION (PHONE AND EMAIL)
a. Hailey Holshouser Hiett	owner 100%	719 Azalea Ct. Franklin, TN 37064	615-417-2414 615-417-2414
b.			serveitupnashville@ gmail.com
c.			
d.			
e.			
f.			

11. DESIGNATE THE PERSON OR PERSONS WHO WILL OVERSEE THE OPERATIONS ON PREMISES.

NAME (FIRST, MIDDLE, LAST)	TITLE	ADDRESS (INCLUDE CITY, STATE AND ZIP)	CONTACT INFORMATION (PHONE AND EMAIL)
a. Hailey Holshouser Hiett	owner	719 Azalea Ct. Franklin, TN 37064	615-417-2414 serveitupnashville@gmail.com
b. Jeremy Kyle Hiett	President COO	719 Azalea Ct. Franklin, TN 37064	615-504-7341 jeremyhiett@gmail.com
c.			
d.			

12. HAS ANY PERSON, FIRM, JOINT-STOCK COMPANY, SYNDICATE OR ASSOCIATION HAVING AT LEAST A FIVE PERCENT (5%) OWNERSHIP INTEREST IN THE APPLICANT OR ANY PERSON TO BE EMPLOYED IN THE DISTRIBUTION OR SALE OF BEER BEEN CONVICTED OF, OR RELEASED FROM INCARCERATION FOR ANY VIOLATION OF THE LAWS AGAINST POSSESSION, SALE, MANUFACTURE OR TRANSPORTATION OF BEER OR OTHER ALCOHOLIC BEVERAGES OR ANY CRIME INVOLVING MORAL TURPITUDE OR ANY FELONY WITHIN THE PAST TEN (10) YEARS? (MORAL TURPITUDE MEANS PREMEDITATED MURDER, ALL SEX RELATED CRIMES, THE ILLEGAL SALE OF SCHEDULE I AND II CONTROLLED SUBSTANCES, AND CRIMES OF FRAUD OR EMBEZZLEMENT.)

☐ YES

☒ NO

IF YES, LIST BELOW (attach a separate sheet if necessary)

NAME	CHARGE(S)	DATE OF CONVICTION	DISPOSITION	LIST LOCATION, COURT, COUNTY AND STATE
a.				
b.				

13. HAS THE APPLICANT OR ANY PARTIES REFERENCED HEREIN EVER HAD A BEER PERMIT REVOKED, SUSPENDED OR DENIED? IF YES, PLEASE EXPLAIN.

☐ YES

☒ NO

IF YES: _____

14. DO YOU HAVE ANY TYPE OF BUSINESS RELATIONSHIP WITH ANY PERSON WHO PREVIOUSLY HELD A BEER PERMIT FOR THIS LOCATION, OR WITH ANY PERSON OR ENTITY WHO OWNED ANY PORTION OF A BUSINESS WHICH PREVIOUSLY HELD A BEER PERMIT FOR THIS LOCATION? IF SO, PLEASE EXPLAIN.

☐ YES

☒ NO

IF YES: _____

15. ARE YOU PART OF THE SAME FAMILY AS ANY PERSON WHO PREVIOUSLY HELD A BEER PERMIT FOR THIS LOCATION, OR WITH ANY PERSON WHO OWNED ANY PORTION OF A BUSINESS WHICH PREVIOUSLY HELD A BEER PERMIT FOR THIS LOCATION? IF SO, PLEASE EXPLAIN.

☐ YES

☒ NO

IF YES: _____

16. WILL BEER BE DISTRIBUTED OR SOLD WITHIN 300 FEET OF ANY CHURCH OR SCHOOL? IF YES, PLEASE STATE NAME AND LOCATION OF SUCH CHURCH OR SCHOOL.

☐ YES

☒ NO

IF YES, NAME & LOCATION: _____

17. ARE YOU FAMILIAR WITH THE LAWS OF THE STATE OF TENNESSEE AND THE CITY OF BRENTWOOD GOVERNING THE SALE AND DISTRIBUTION OF BEER?

☒ YES

☐ NO

18. NAME AND CONTACT INFORMATION FOR MANAGER TO BE RESPONSIBLE FOR SALE, STORAGE OR MANUFACTURE OF BEER.

Jeremy Hiatt 719 Azalea Ct. Franklin, TN 37064

NAME

STREET ADDRESS

CITY, STATE & ZIP

615-504-7341 serveitupnashville@gmail.com

PHONE NUMBER

EMAIL

*IF THIS INFORMATION CHANGES, PLEASE CONTACT THE CITY WITHIN SEVEN (7) DAYS OF SUCH CHANGE.

19. HAVE YOU RECEIVED A COPY OF THE CITY OF BRENTWOOD MUNICIPAL CODE REGULATING BEER?

☐ RECEIVED IN PERSON

☒ DOWNLOADED FROM WEBSITE

☐ NO, I HAVE NOT RECEIVED A COPY

20. DESCRIBE STEPS WHICH WILL BE TAKEN TO PREVENT THE SALE OF BEER TO MINORS.

- check every id regardless of Age
- video surveillance for accountability of all employees

21. NAME AND CONTACT INFORMATION FOR REPRESENTATIVE TO RECEIVE THE ANNUAL TAX NOTICE AND ANY OTHER COMMUNICATIONS FROM THE BRENTWOOD BEER BOARD.

Hailey Hiatt 925 Franklin Rd Brentwood, TN 37027

NAME

STREET ADDRESS

CITY, STATE & ZIP

615-417-2414 serveitupnashville@gmail.com

PHONE NUMBER

EMAIL

THE UNDERSIGNED HEREBY SOLEMNLY SWEARS THAT EACH AND EVERY STATEMENT IN THE FOREGOING APPLICATION IS TRUE AND CORRECT. THE UNDERSIGNED CERTIFIES THAT HE/SHE HAS READ AND IS FAMILIAR WITH THE BEER LAWS OF THE CITY OF BRENTWOOD. IN THE EVENT OF A CHANGE IN MANAGEMENT, THE UNDERSIGNED AGREES THAT THE INFORMATION REQUESTED IN QUESTION 18 WILL BE PROVIDED TO THE CITY WITHIN SEVEN (7) DAYS OF SUCH CHANGE. IF THE APPLICANT IS OTHER THAN AN INDIVIDUAL, THE UNDERSIGNED AFFIRMS THAT HE/SHE IS A REPRESENTATIVE OF THE APPLICANT DULY AUTHORIZED TO SUBMIT THE FOREGOING APPLICATION.

THE UNDERSIGNED AGREES TO THE FOLLOWING:

1. I AGREE TO ONLY ENGAGE IN THE SALE, STORAGE, MANUFACTURE OR DISTRIBUTION OF BEER AT THE PLACE OR PLACES FOR WHICH A PERMIT WAS ISSUED.
2. I AGREE THAT THE SALE, STORAGE, MANUFACTURE OR DISTRIBUTION OF BEER WILL BE MADE ONLY IN ACCORDANCE WITH THE PERMIT GRANTED.

3. I AGREE TO RIGIDLY ENFORCE THE LAWS AGAINST THE SALE OF BEER TO MINORS.
4. I AGREE TO PROHIBIT MINORS OR INTOXICATED PERSONS FROM LOITERING AROUND THE PLACE OF BUSINESS.
5. I AGREE TO NOT EMPLOY ANY PERSON IN THE SALE OR DISTRIBUTION OF BEER WHO HAS BEEN CONVICTED OF ANY VIOLATION OF THE LAWS AGAINST THE POSSESSION, SALE, MANUFACTURING OR TRANSPORTATION OF BEER OR OTHER ALCOHOLIC BEVERAGES, OR ANY CRIME INVOLVING MORAL TURPITUDE WITHIN THE PAST TEN YEARS.
6. I AGREE TO STRICTLY ABIDE BY ALL LOCAL, STATE AND FEDERAL LAWS PERTAINING TO THE SALE OF BEER.

IF ANY STATEMENT HEREIN IS FOUND TO BE FALSE, THE PERMIT MAY BE REVOKED BY THE BEER BOARD AND APPLICANT SHALL NOT BE ELIGIBLE TO RECEIVE ANY PERMIT FOR A PERIOD OF TEN (10) YEARS, IN ACCORDANCE WITH TCA 57-5-105(d).

Halley Heath
SIGNATURE

owner
TITLE (IF OTHER THAN AN INDIVIDUAL)

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS 27 DAY OF June, 2018.

Rise Swears
NOTARY PUBLIC



****DO NOT WRITE BELOW THIS LINE / BEER BOARD STAFF ONLY****

DATE RECEIVED: 6, 28, 19 RECEIPT #: 47-

BEER BOARD MEETING DATE: 7, 22, 19 @ 6:45 PM PERMIT #: _____

RECEIVED THE FOLLOWING FROM APPLICANT:

☒ COMPLETED AND NOTARIZED APPLICATION

☒ \$250 APPLICATION FEE

☒ SALES TAX REGISTRATION CERTIFICATE

N/A IF SPECIAL EVENT, AUTHORIZATION LETTER FROM PROPERTY OWNER

THE UNDERSIGNED ACKNOWLEDGES RECEIPT OF THE APPLICANT'S BEER PERMIT.

Amy Owens
CITY OF BRENTWOOD EMPLOYEE SIGNATURE

6, 28, 19
DATE

* City of Brentwood *
* (615) 371-0060 *

Receipt Number: 47-00000501

Cashier: GIVENSA Session: 0628
Date: 06/28/2019 Time: 14:53:40

Miscellaneous Receipt

Name: BRENTWOOD MARKET
Code: 507 BEER LICENSES
Ref: 5941 250.00
Note: BEER LICENSE APPLICATION
HAILEY HIETT
Total: 250.00

CHECK 5941 250.00
Paid By: BRENTWOOD MARKET

Tendered: 250.00
Change:



**STATE OF TENNESSEE
DEPARTMENT OF REVENUE**

SERVE IT UP NASHVILLE, LIMITED LIABILITY
COMP
719 AZALEA CT
FRANKLIN TN 37064-5220

Letter ID: L1831732480
Effective Date: June 11, 2019
Account ID: 1000117649-SLC
Account Type: Sales and Use Tax
Location ID: 1001264276
Location Address:
BRENTWOOD MARKET
925 FRANKLIN RD
BRENTWOOD TN 37027-6502

Sales and Use Tax Certificate of Resale

The above named taxpayer has been granted authority in accordance with Tenn. Code Ann. § 67-6-102 and Tenn. Comp. R. & Regs. 1320-05-01-.62 and 1320-05-01-.68 to make purchases intended for subsequent resale without payment of sales or use tax. Any merchandise or other taxable item purchased without the payment of tax upon this resale certificate that is used or consumed in any manner by the taxpayer, or is given away, must be reported and the tax paid directly to the Tennessee Department of Revenue.

The supplier must maintain a file copy as evidence of the sales tax exemption. Later purchases do not require the submission of additional copies.

Serve It Up Nashville, LLC DBA Brentwood Market
Seller's Name

925 Franklin Rd Brentwood, TN 37027
Seller's Address (City & State)

I, Hailey Helt, as an authorized representative of the taxpayer named above, certify that the products or services purchased are intended for subsequent resale by the purchaser for the following reason.

- () resale of the tangible personal property, taxable service, taxable amusement, or taxable digital product
() rental or leasing of the tangible personal property
() a component part of a manufactured, assembled, processed or refined finished product that is for resale

Under penalty of perjury, I affirm this to be a true and correct statement.

Hailey Helt Hailey Helt 6/20/19
Print Name of Authorized Representative Signature of Authorized Representative Date

* City of Brentwood *
* (615) 371-0060 *

Receipt Number: 47-00000502

Cashier: GIVENSA Session: 0628
Date: 06/28/2019 Time: 14:55:13

Miscellaneous Receipt

Name: BRENTWOOD MARKET
Code: 508 BEER PRIVILEGE TAX
Ref: 5941 44.38
Note: BEER PRIVILEGE TAX

Total: 44.38

CHECK 5941 44.38
Paid By: BRENTWOOD MARKET

Tendered: 44.38
Change:

0*275972602x
162* =K
44*38*

Brentwood Beer Board Agenda

Meeting Date: 07/22/2019

Submitted by: Holly Earls, Administration

Department: Administration

Information

Subject

Beer Law Violation Hearing - Brick's Cafe & Bistro, LLC, 330 Franklin Road, Ste 913

Background

In an operation carried out by the Tennessee Alcoholic Beverage Commission, an underage informant purchased beer at Brick's Cafe & Bistro, LLC on April 4, 2019. 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 May 20, 2019, requiring an appearance before the Beer Board on July 22, 2019 at 7:00 p.m. following the City Commission meeting. 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 July 22 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.

Brick's had a previous violation on February 27, 2018. The Beer Board issued a penalty of

a seven-day suspension and required Brick's to post signs alerting its customers of the suspension. As an alternative, Brick's was given the option to pay a \$2,000 penalty. Brick's chose to pay the penalty.

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
2019 Questionnaire
2018 Questionnaire

BRENTWOOD BEER BOARD
July 22, 2019
Case No. BBB-2019-01
Violation Hearing - Procedural Format
Brick's Café & Bistro, LLC, 330 Franklin Road, Ste 913

1. Chairman calls case number and permit holder's name: *Case No. BBB-2019-01, 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 4th day of April, 2019, your employee or agent, Erick Watson, 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

BEVERLY BOWMAN

TO: ~~Susan R. Stewart~~ (or current manager)
Brick's Café & Bistro, LLC
330 Franklin Road, Ste 913
Brentwood, TN 37027

Case No. BBB-2019-01

You are hereby summoned to appear before the Beer Board for the City of Brentwood, Tennessee on **July 22, 2019 at 7:00 p.m. following the City Commission meeting**, at Brentwood City Hall, 5211 Maryland Way, 2nd Floor Commission Chambers, 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, Ste 913, 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 4th day of April, 2019, your employee or agent, Erick Watson, unlawfully sold beer to a person under the age of twenty-one (21) years at Brick's Café & Bistro, LLC at 330 Franklin Road, Ste 913, 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



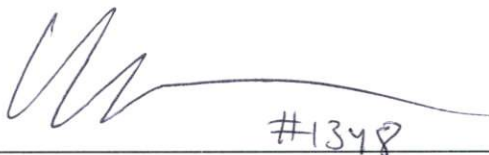
JEFF HUGHES
Chief of Police



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 R. Stewart (or current manager BEVERLY BOWMAN), c/o Brick's Café & Bistro, LLC, 330 Franklin Road, Ste 913, Brentwood, Tennessee 37027, on this the 20TH day of MAY, 2019.


#1348

Brentwood Police Department

MARK STEPHENS



TENNESSEE ALCOHOLIC BEVERAGE COMMISSION
500 James Robertson Pkwy, Davy Crockett Twr, 3rd Floor; Nashville, TN 37243-0755 PHONE: (615) 741-1602

9272



REGULATORY CITATION

THE NUMBER OF VIOLATIONS ON THIS REGULATORY CITATION IS (TOTAL)= 1 (MAX. 5)

THE UNDERSIGNED BEING DULY SWORN UPON HIS/HER OATH DEPOSES THAT:

ON THE 4 DAY OF April, 20 19

PERMITEE: Bricks Cafe ADDRESS: 330 Franklin Road, STE 914D

CITY: Brentwood, TN COUNTY: Williamson ZIP: 37027 PHONE: _____

PERMIT NUMBER: _____ EXPIRATION DATE: 04/20/2019

LBDRST-WIL-1800164

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

No. of Counts

- ☒ 1 Sale of Alcoholic Beverage/Beer to Minor-\$1,500
TCA§ 57-4-203(b)(1)(A) or (B); 57-3-406(d)
- ☐ Minor in Possession TCA§ 57-4-203(b)(2)(A)- \$1,500
- ☐ Sell/Furnishing Alcoholic Beverage to Visibly \$1,500
Intoxicated Person TCA§57-4-203(c)(1); 57-3-406(c)
- ☐ Failure to Properly Display Permit in a Conspicuous Place
TABC Rule #0100-1-03(17) - \$200.00
- ☐ Failure to Post "Pregnancy Warning" TCA§ 57-1-211 -
\$150.00
- ☐ Other _____
- ☐ Other _____

No. of Counts

- ☐ Employing Persons to Dispense Alcoholic Beverages W/O
a Permit TCA§ 57-4-203(h); 57-3-204(4)(c)-\$150.00
- ☐ Failure to Timely Renew TCA§57-3-605-\$150 (Non-
Resident); 57-3-213(a)(b)-\$350.00 (Retail), \$150 (Winery or
Direct Shipper); 57-4-201(a)-\$350 (LBD) (Circle One)
- ☐ On Premises Sale By Bottle Restricted Rule #0100-1-.03(8)
TCA§57-4-203(e)(1)-\$250.00
- ☐ Hours of Sale Violation TCA§57-4-203(d); 57-3-406(e) Rule
#0100-1-.03(2); 0100-03-.13(4)-\$750.00
- ☐ Purchasing Alcoholic Beverages From Other Than A
Licensed Wholesaler TCA§57-3-404 et seq. \$300/bottle
- ☐ Other _____
- ☐ Other _____

NARRATIVE: During a USTOP conducted at this establishment on 04/04/2019, bartender served a Bud Light bottle to underage CI. SA Amorese witnessed the sale. SA Amorese said ID was checked

The undersigned further states that he/she has just and reasonable grounds to believe and does believe, that the person/establishment named above committed the offense(s) herein set forth, contrary to Law and/or Rule. This 4 day of April, 20 19.

Chris Amorese

SPECIAL AGENT/REGULATORY OFFICER/ISSUING PERSONNEL

NOTICE: This Regulatory Citation imposes a total civil penalty in the amount of \$ 5000⁰⁰. If you choose to settle this Regulatory Citation without contesting the alleged violation(s), you are **REQUIRED** to pay the total civil penalty amount no later than twenty (20) calendar days from the citation date listed above. If you wish to contest this Regulatory Citation and the violation(s) contained therein you may do so by contacting ABC by phone at 615-741-1602 or by mail at the following address: 500 James Robertson Pkwy, Davy Crockett Tower, 3rd Floor, Nashville, TN 37243-0755, within 20 calendar days of receipt. This citation can only be satisfied by admitting to the violation and making payment, or by requesting a hearing by phone or mail. Failing to satisfy this citation may result in administrative penalties and/or costs being assessed against you, including the suspension and/or revocation of your TABC permit.

I understand the above notice, and my signature below is an acknowledgement of my understanding, and not an admission of guilt.

Beverly L. Bowman 4/4/19
Signature of Recipient/Authorized Agent of Permittee Date

Beverly L. Bowman
Recipient's Name and Title (PRINT)

IF MAILED: Date Mailed: _____ Mailed by: Initials: _____ Printed Name: _____

ADMISSION OF GUILT:

I/we agree to settle this TABC Regulatory Citation with the admission of my/our guilt as to the violation(s) noted above and the payment of the total civil penalty imposed, as noted above, and in the amount of \$ _____ (by business check, cashier's check or money order [no personal checks or cash accepted]). Upon the plea of guilty as to the above noted violations I/we enter a plea of guilt hereby waiving any and all rights to a TABC administrative hearing and/or appeals.

Signature of Authorized Agent of Permittee or Permittee

Date

Authorized Agent of Permittee or Permittee's Name and Title (PRINT)

**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.}

Beer Violations History by Name

<u>Name of Business</u>	<u>Address</u>	<u>Date of Violation</u>	<u>Suspension/Penalty</u>
55 South	7031 Executive Center Dr	2/27/2018	Paid \$2000 penalty
Amoco Food Shop	7112 Moores Lane	9/8/1997	30 day probation
B P Oil	7108 Moores Lane	4/23/1993	105 days
B P Oil	158 Franklin Road	5/3/1993	4 months
Brentwood Market & Deli	925 Franklin Road	5/18/1994	45 days
Brick's Café & Bistro	330 Franklin Road	2/27/2018	Paid \$2000 penalty
Brick's Café & Bistro	330 Franklin Road	4/4/2019	TBD
Canyon Café	1645 Westgate Circle	8/19/1999	30 days
Chili's Grill & Bar	107 Creekside Crossing	12/28/2013	7 days with signs
Chili's Grill & Bar	107 Creekside Crossing	4/4/2019	TBD
Church Street Pub (a/k/a The Pub or the Pac)	7022 Church Street	8/19/2004	6 months
City Café	330 Franklin Rd, Ste 250B	4/4/2019	TBD
Concord General Store	1101 Wilson Pike	5/18/1994	30 days
Cozymel's Coastal Grill	1654 Westgate Circle	12/28/2013	7 days with signs
Gulf Market	158 Franklin Road	2/19/1989	60 days
H. G. Hill #21	235 Franklin Road	3/15/2002	Paid \$1500 penalty
Hanabi Japanese Restaurant	214 Ward Circle	2/27/2018	Paid \$2000 penalty
Jefferson's Restaurant	214 Ward Circle	2/27/2018	Paid \$2000 penalty
Judge Bean's BBQ	7022 Church Street	12/28/2013	7 days with signs
Kroger	330 Franklin Road	5/18/1994	45 days
Kwik Sak	7116 Moores Lane	5/18/1994	45 days
Kwik Sak	7116 Moores Lane	3/8/2002	30 days (new owner)
Le Skewer	330 Franklin Rd, Ste 904D	4/4/2019	TBD
Little Bros Amoco	141 Franklin Road	3/5/1993	60 days
Little Bros Amoco	141 Franklin Road	5/18/1994	120 days
Little Bros Amoco	141 Franklin Road	3/15/2002	7 days with signs
Local Taco	146 Pewitt Drive	2/27/2018	7 days with signs
Local Taco	146 Pewitt Drive	4/4/2019	TBD
Ludlow & Prime	330 Franklin Rd, Ste 226B	4/4/2019	TBD

Mapco Express Williams Express (formerly Mapco)	8009 Moores Lane	5/18/1994	45 days
Mapco Express Williams Express (formerly Mapco)	8009 Moores Lane	8/19/1999	30 days
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Pei Wei Asian Diner	101 Creekside Crossing, Ste 1800	4/4/2019	TBD
Piggly Wiggly	144 Wilson Pike	5/18/1994	45 days
Shogun Steakhouse	1648 Westgate Circle	8/19/1999	30 days
Sportsman Lodge	1640 Westgate Circle	8/19/1999	30 days
Star Market	120 Franklin Road	10/19/1984	30 day probation
Star Market	120 Franklin Road	4/4/1985	30 days
Stout Burgers and Beers	400 Centerview Drive	2/27/2018	Paid \$2500 penalty
The Smokey Cigar 2	1800 Carothers Pkwy, Ste 1	5/20/2016	Paid \$1000 penalty
Twin Peaks	1634 Galleria Boulevard	4/4/2019	TBD

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

Business name: Brick's Café & Bistro, LLC

Address: 330 Franklin Road, Ste 913, Brentwood, TN 37027

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

____ Yes X No Officer refused today to talk. Unable to discuss situation to get information to decide to contest.

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

All employees are required to sign form acknowledging the requirement to card & check age. All have ABC card. Meetings held to train and reminders given. Penalty for not obeying is termination.

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

X Yes ____ No

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

Server claims he checked ID but did not remember birthdate, server failed or ID was correct and ok but no proof.

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

Servers have signed form ^{again} noting they will be fired on the spot for not carding. They are required to write down birthdays for all orders and turn them in.

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 NA

Submitted by:

(Print name and title)

Susan Reynolds Steward

Signature:

Susan Reynolds Steward

Date:

6-27-2019

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 incorrectly 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: 07/22/2019

Submitted by: Holly Earls, Administration

Department: Administration

Information

Subject

Beer Law Violation Hearing - Chili's Grill & Bar, 107 Creekside Crossing

Background

In an operation carried out by the Tennessee Alcoholic Beverage Commission, an underage informant purchased beer at Chili's Grill & Bar on April 4, 2019. 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 Chili's Grill & Bar on May 20, 2019, requiring an appearance before the Beer Board on July 22, 2019 at 7:00 p.m. following the City Commission meeting. 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 Chili's Grill & Bar 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 July 22 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.

Chili's had a previous violation on December 28, 2013. The Beer Board issued a penalty of a seven-day suspension and required Chili's to post signs alerting its customers of the

suspension.

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

N/A

Attachments

Hearing Format

Summons & Incident Report

Penalty Guidelines

Beer Violations History

Questionnaire

Prehearing Memorandum

BRENTWOOD BEER BOARD
July 22, 2019
Case No. BBB-2019-02
Violation Hearing - Procedural Format
Chili's Grill & Bar, 107 Creekside Crossing

1. Chairman calls case number and permit holder's name: *Case No. BBB-2019-02, Chili's Grill & Bar.*
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 4th day of April, 2019, your employee or agent unlawfully sold beer to a person under the age of 21 years at Chili's Grill & Bar, located at 107 Creekside Crossing.*
4. Chairman states: *In documents filed with the Beer Board, Chili's Grill & Bar 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: Jeffrey Bertoen (or current manager)
Chili's Grill & Bar
107 Creekside Crossing
Brentwood, TN 37027

Case No. BBB-2019-02

You are hereby summoned to appear before the Beer Board for the City of Brentwood, Tennessee on **July 22, 2019 at 7:00 p.m. following the City Commission meeting**, at Brentwood City Hall, 5211 Maryland Way, 2nd Floor Commission Chambers, Brentwood, Tennessee to then and there show cause, if any you have, why the beer permit of Chili's Grill & Bar at 107 Creekside Crossing, 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 4th day of April, 2019, your employee or agent unlawfully sold beer to a person under the age of twenty-one (21) years at Chili's Grill & Bar at 107 Creekside Crossing, 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 Jeffrey Bertoen (or current manager _____), c/o Chili's Grill & Bar, 107 Creekside Crossing, Brentwood, Tennessee 37027, on this the 20th day of MAY, 2019.



#1348

Brentwood Police Department

MARK STEPHENS



TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

500 James Robertson Pkwy, Davy Crockett Twr, 3rd Floor; Nashville, TN 37243-0755 PHONE: (615) 741-1602

1305.1



REGULATORY CITATION

THE NUMBER OF VIOLATIONS ON THIS REGULATORY CITATION IS (TOTAL)= 2 (MAX. 5)

THE UNDERSIGNED BEING DULY SWORN UPON HIS/HER OATH DEPOSES THAT:

ON THE 4th DAY OF April, 2019

PERMITEE: Chili's

ADDRESS: 107 Creekside Crossing Brentwood

CITY: Brentwood

TN COUNTY: Williamson

ZIP: 37027

PHONE: 615-370-6114

PERMIT NUMBER: 1800427

EXPIRATION DATE: 6/2/2019

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

No. of Counts

☒

Sale of Alcoholic Beverage/Beer to Minor-\$1,500
TCA§ 57-4-203(b)(1)(A) or (B); 57-3-406(d)

☐

Minor in Possession TCA§ 57-4-203(b)(2)(A)- \$1,500

☐

Sell/Furnishing Alcoholic Beverage to Visibly \$1,500
Intoxicated Person TCA§57-4-203(c)(1); 57-3-406(c)

☒

Failure to Properly Display Permit in a Conspicuous Place
TABC Rule #0100-1-03(17) - \$200.00

☐

Failure to Post "Pregnancy Warning" TCA§ 57-1-211 -
\$150.00

☐

Other _____

☐

Other _____

No. of Counts

☐

Employing Persons to Dispense Alcoholic Beverages W/O
a Permit TCA§ 57-4-203(h); 57-3-204(4)(c)-\$150.00

☒

Failure to Timely Renew TCA§57-3-605-\$150 (Non-
Resident); 57-3-213(a)(b)-\$350.00 (Retail), \$150 (Winery or
Direct Shipper); 57-4-201(a)-\$350 (LBD) (Circle One)

☐

On Premises Sale By Bottle Restricted Rule #0100-1-.03(8)
TCA§57-4-203(e)(1)-\$250.00

☐

Hours of Sale Violation TCA§57-4-203(d); 57-3-406(e) Rule
#0100-1-.03(2); 0100-03-.13(4)-\$750.00

☐

Purchasing Alcoholic Beverages From Other Than A
Licensed Wholesaler TCA§57-3-404 et seq.-\$300/bottle

☐

Other _____

☐

Other _____

NARRATIVE

on 04/04/19 During USTOP OPERATION BAITENDER SOLD
a Bud light drink TO AN UNDER 21 female witnessed
by SA Amos. ID was checked

The undersigned further states that he/she has just and reasonable grounds to believe and does believe, that the person/establishment named above committed the offense(s) herein set forth, contrary to Law and/or Rule. This 4th day of April, 2019.

SPECIAL AGENT/REGULATORY OFFICER/ISSUING PERSONNEL

NOTICE: This Regulatory Citation imposes a total civil penalty in the amount of \$ 1,700.00. If you choose to settle this Regulatory Citation without contesting the alleged violation(s), you are **REQUIRED** to pay the total civil penalty amount no later than twenty (20) calendar days from the citation date listed above. If you wish to contest this Regulatory Citation and the violation(s) contained therein you may do so by contacting ABC by phone at 615-741-1602 or by mail at the following address: 500 James Robertson Pkwy, Davy Crockett Tower, 3rd Floor, Nashville, TN 37243-0755, within 20 calendar days of receipt. **This citation can only be satisfied by admitting to the violation and making payment, or by requesting a hearing by phone or mail.** Failing to satisfy this citation may result in administrative penalties and/or costs being assessed against you, including the suspension and/or revocation of your TABC permit.

I understand the above notice, and my signature below is an acknowledgement of my understanding, and not an admission of guilt.

Signature of Recipient/Authorized Agent of Permittee

Date

Recipient's Name and Title (PRINT)

IF MAILED: Date Mailed:

Mailed by: Initials:

Printed Name:

ADMISSION OF GUILT:

I/we agree to settle this TABC Regulatory Citation with the admission of my/our guilt as to the violation(s) noted above and the payment of the total civil penalty imposed, as noted above, and in the amount of \$ _____ (by business check, cashier's check or money order [no personal checks or cash accepted]). Upon the plea of guilty as to the above noted violations I/we enter a plea of guilt hereby waiving any and all rights to a TABC administrative hearing and/or appeals.

Signature of Authorized Agent of Permittee or Permittee

Date

Authorized Agent of Permittee or Permittee's Name and Title (PRINT)

**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>
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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

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AT THIS LOCATION.
PERMIT SUSPENDED.

By order of the
City of Brentwood Beer Board.

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Twin Peaks	1634 Galleria Boulevard	4/4/2019	TBD

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

Business name: **Chili's Grill & Bar**

Address: 107 Creekside Crossing, 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

TABC Server Permit training, plus company training

(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

Failure to follow company policy

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

Yes. Details to follow.

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)

William T. Cheek III

Signature:

W.T. Cheek III

Date:

6/28/19



Wells Trompeter
615.850.8759 direct
wells.trompeter@wallerlaw.com

July 9, 2019

VIA EMAIL

Ms. Kristen Corn
City Attorney
City of Brentwood
5211 Maryland Way
Brentwood, TN 37027
kristen.corn@brentwoodtn.gov

Re: *Case No. BBB-2019-02*

Dear Ms. Corn:

I, along with Will Cheek, serve as counsel for Chili's Inc. d/b/a Chili's Bar & Grill ("Chili's") in the above-referenced matter. Enclosed is a Prehearing Memorandum, along with its exhibits, which we are submitting on behalf of Chili's for consideration by the City of Brentwood Beer Board in advance of the July 22, 2019 hearing.

Thank you for the opportunity to provide this information. Please let me know if you have any questions or difficulty accessing the materials.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Trompeter', is written over a light blue horizontal line.

Wells Trompeter

Enclosures

cc: Holly Earls (holly.earls@brentwoodtn.gov)
Will Cheek (will.cheek@wallerlaw.com)

policy and implementing a program to identify patrons with under-21 driver's licenses. The Brentwood Chili's requires secondary carding by managers for under-21 licenses and participates frequently in the BARS program (*see* Exhibit A for details on BARS). There are signs posted at all point of sale terminals showing the year in which someone must have been born to serve alcohol.

Also after the 2013 sale, Jeff Bertoen, the manager at the Brentwood Chili's, terminated a longer-term employee who was previously a manager when she failed to read an identification card at the appropriate time during a BARS exercise. In that instance, because she did not want to interrupt a guest's conversation, the employee poured a beer and planned to check the identification card before placing it in front of the guest. Because the intent to serve was present, Mr. Bertoen made the swift and correct decision to terminate her employment.

Under the new program and focus of management and Chili's staff, the Brentwood Chili's went five and a half years without a sale to a minor. As such, under the Brentwood Beer Board Penalty Guidelines, the instant violation should be treated as a first violation for purposes of any penalty imposed.

B. Relevant Facts of the Incident

The Chili's employee involved in the April 2019 sale to a minor, Jill Kleeberg, had been a bartender with Chili's for 21 years. Ms. Kleeberg was well liked by all customers and staff. She had a nephew killed by a drunk driver, which resulted in her being typically very cautious regarding alcohol service. Ms. Kleeberg looked at the customer's driver's license, but misread the date to be 1995, rather than 1998 or 1999. She then failed to follow the policy of having a manager double check the driver's license whenever it has a red box. Despite her longevity with Chili's and her favored status among regular customers, Ms. Kleeberg was terminated

immediately, consistent with the zero tolerance policy at Chili's. Because the policy is in place and has been for years, Ms. Kleeberg knew she would have to be terminated and did not argue. Regular customers from Chili's attended Ms. Kleeberg's criminal court hearing to show their support, and her case has been deferred.

Due to the standing and long history of the beloved veteran bartender, this incident has caused a cultural shift at the Brentwood Chili's. Every staff member understands the severity of serving to minors and that all Chili's policies apply to them without exception, no matter who they are. Since April, Chili's management and staff have been speaking frequently during both formal and informal team meetings about the appropriate policies and procedures regarding carding and the handling of underage identification cards, including the fact that there is absolutely no excuse not to hand a red box ID to a manager to check.

C. Future Remedial Steps

As stated above, consistent with Chili's policy, the bartender involved in the incident was terminated on the spot. As outlined in the attached Corrective Action Plan for Chili's Brentwood (Exhibit B), Chili's has also implemented new, more stringent measures and has, where relevant, worked to reiterate prior policies. Specifically, the Red Box Carding program memorandum (Exhibit C) is being distributed to each server and bartender. Additionally, there is a sign off sheet that each server and bartender must sign each shift they work acknowledging their responsibilities pertaining to checking identification. Managers are also leading shift communication on responsible alcohol service procedures via shift meetings or check-ins, and the Chili's area director is performing random visits to validate that systems and procedures are being utilized properly.

Additionally, Mr. Berteon understands the severity of the incident and that, although he is an excellent manager, avoiding service to minors at all costs is a top priority for Chili's and that mistakes in that regard will not be tolerated now or at any point in the future. As such, he has redoubled his efforts at training, retraining, and oversight of all managers, servers, and bartenders.

D. Conclusion

Because more than five years have passed since Chili's last violation, the Beer Board should treat the violation at issue as a first violation. Because Chili's already had appropriate training and preventative measures in place at the time of the sale in April of 2019, and because Chili's promptly terminated the bartender involved with the sale and put together a corrective action plan to ensure compliance with all beer laws going forward, Chili's respectfully requests that the Beer Board impose the alternative penalty of one week suspension and the posting of signs.

WALLER LANSDEN DORTCH & DAVIS, LLP

By: 

Wells Trompeter (BPR # 30380)
William T. Cheek, III (BPR # 14787)
Waller Lansden Dortch & Davis, LLP
511 Union Street, Suite 2700
Nashville, TN 37219
(615) 244-6380
(615) 244-6804 (facsimile)

Counsel for Chili's Grill & Bar

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been sent via email on this 9th day of July, 2019, to the following:

Holly Earls
City Recorder
City of Brentwood
5211 Maryland Way
Brentwood, TN 37027
holly.earls@brentwoodtn.gov

Kristen Corn, Esq.
City Attorney
kristen.corn@brentwoodtn.gov

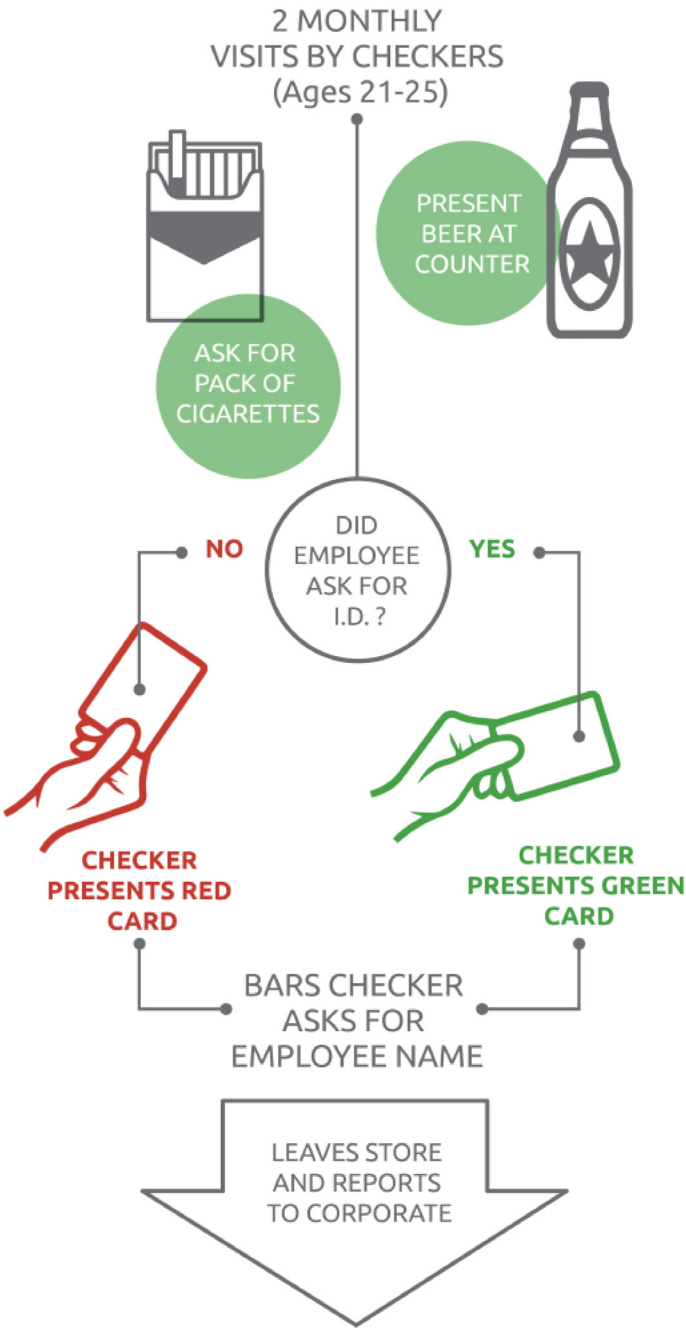


EXHIBIT

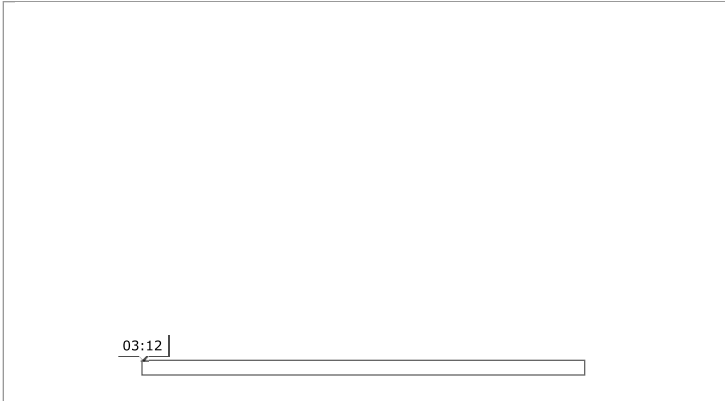
A



How It Works



OVERVIEW VIDEO



The BARS Program has raised compliance training to an advanced level. We send our Checkers twice a month, aged 21-25, into client stores or restaurant locations to conduct mock purchases of cigarettes and/or beer. The purpose of this is to monitor the store employees, seeing if they ask for the customer’s ID prior to quoting a price. If the ID is requested, the employee receives a Green Card. If not, a Red Card is given.

BARS Program Procedure

If a store has an age-verification device, we monitor if the store employees actually use the device. We partake in regular visits to ensure proper use of the Point-of-Sale (POS) system and age-verification devices.

After the visit, an email report is sent to the store’s management. Visit results are archived in our password-protected reporting website. View sample reports.



Courtney Mewry, Director of Licensing & Contracts
CraftWorks

"We use BARS mainly as a means to identify restaurants where staff are not following protocol. We’ve always had great customer service from BARS and have received immediate responses to any concerns we may have had."

[BACK TO TOP](#)

[Contact](#)

[Blog](#)

Phone: 1-877-540-5500
Email: customerservice@barsprogram.com

EXHIBIT B



Corrective Action Plan Chili's Brentwood

- Bartender Terminated on the spot
- All New applicants must have a Valid TABC license within 30 Days of hire.
- Managers lead shift communication on Responsible Alcohol Service procedures via Shift Meetings or Check-ins, starting April 5th, 2019.
- Any "under 21" licenses approved by Manager after the TM has validated the Correct Date of Birth.
- Any Out of State licenses or Passports are approved by the Manager. Managers use the Official ID Handbook to verify Out of State IDs.
- Any questionable ID servers get Manager approval.
- Managers "spot check" throughout restaurant for guests that look under 30.
- We have hired "The Bars Program" to spot check servers numerous times a month to see if they card or not before serving a secret shopper guest an alcoholic beverage. Immediate termination of server if they do not card or card incorrectly. Those that do card correctly are celebrated to reward the correct behaviors.
- Digital calendar on the wall in the bar clearly states the proper birthdate to legally sell alcohol.
- We have been using Sign off Sheet that each server and bartender must sign each shift they work acknowledging their responsibilities are pertaining to checking ID's. It lists many of the bullet points listed here. We keep the binder of these monthly for the GM and Area Directors to verify that it is being done effectively.
- Point of Sale terminals show the correct year to serve. "Don't sell alcohol to anyone born before 19XX."
- We ID EVERYONE, EVERYDAY, AT ANYTIME, FOR ANY ALCOHOLIC BEVERAGE. We do not serve alcohol to any guest that does not have the proper valid identification. Explain to any disgruntled guest or regular WHY and get Manager involved with support if needed.
- Area Director performs random visits to validate that systems and procedures are being utilized properly.

EXHIBIT

C

MEMORANDUM

To: Ms. Michele Bibb, Regional Licensing Manager
Mr. Jeff Bertoen, General Manager
Mr. Joshua Neufeld

From: William T. Cheek, III

Date: June 7, 2019

Subject: RED BOX CARDING

This memorandum updates Red Box Carding procedures for the Brentwood Chili's Bar & Grill.

Under 21 drivers' licenses have a bold red box around the photo. We call these "Red Box IDs." Here is a sample Red Box ID.

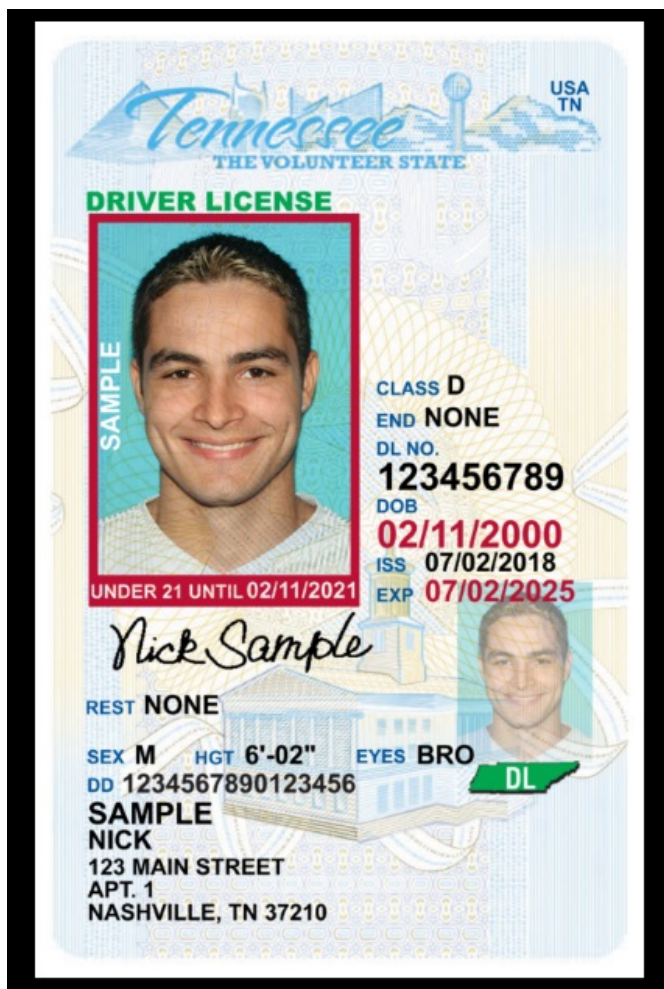


Under 21 Tennessee drivers' licenses have a defect. Many Under 21 licenses do not expire when the driver turns 21. Under 21 licenses can be valid for years after the driver turns 21.

Servers are often jaded and treat Red Box IDs like any other ID, ignoring the fact that the patron could be under the legal drinking age.

Servers should be retrained to place additional scrutiny on Red Box IDs. Keep in mind that most confidential informants working for the police, beer boards, or ABC will be carrying a Red Box ID, which clearly indicates that the confidential informant is under the age of 21.

July 2018, Tennessee introduced a vertical driver's license issued to anyone under 21 that obtains a driver's license after July 1, 2018. The vertical driver's license also contains a Red Box ID, which clearly indicates that the confidential informant is under the age of 21.



Nick's ID will be valid for over four years after he turns 21, unless he replaces it after he turns 21.

RED BOX CARDING

The following are recommended steps for effective age identification for Red Box IDs:

1. Before reading an ID, all servers must look patrons in the eye and ask “are you over 21?” Look for signs of nervousness that might suggest the patron is under age. Law enforcement officers may avoid answering the question, which should be a red flag.
2. If a server is presented a Red Box ID, turn the driver’s license sideways. In the red box, the ID will read “Under 21 until _____.” The blank is the date that the driver turns 21. There is no math to do. If the date in the red box is before today’s date, the patron is OVER 21. If the date in the red box is after today’s date, the patron is UNDER 21.
3. If the patron is over 21, examine the photo, height and eye color to ensure that the person has presented their own license.
4. Servers do not have authority to serve anyone with a Red Box ID. If the server believes that the patron is over the age of 21, the server should ask the patron to wait for a manager. The server may explain that the patron has an under 21 driver’s license, which is why the ID must be verified.
5. The manager should turn the driver’s license sideways to inspect the date to ensure the patron is over the age of 21.

Double checking the ID for under 21 drivers’ licenses significantly decreases the chances that an establishment will serve a minor. This includes confidential informants acting on behalf of the ABC, police, or beer boards.

Thanks. Will.

Brentwood Beer Board Agenda

Meeting Date: 07/22/2019

Submitted by: Holly Earls, Administration

Department: Administration

Information

Subject

Beer Law Violation Hearing - Local Taco, 146 Pewitt Drive

Background

In an operation carried out by the Tennessee Alcoholic Beverage Commission, an underage informant purchased beer at Local Taco on April 4, 2019. 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 May 20, 2019, requiring an appearance before the Beer Board on July 22, 2019 at 7:00 p.m. following the City Commission meeting. 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 July 22 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.

Local Taco had a previous violation on February 27, 2018. The Beer Board issued a penalty of a seven-day suspension and required Local Taco to post signs alerting its

customers of the suspension. As an alternative, Local Taco was given the option to pay a \$2,000 penalty. Local Taco chose a seven (7) day suspension and posted signs.

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

N/A

Attachments

Hearing Format

Summons & Incident Report

Penalty Guidelines

Beer Violations History

2019 Questionnaire

2018 Questionnaire

Supplement from Local Taco

BRENTWOOD BEER BOARD
July 22, 2019
Case No. BBB-2019-03
Violation Hearing - Procedural Format
Local Taco, 146 Pewitt Drive

1. Chairman calls case number and permit holder's name: *Case No. BBB-2019-03, 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 4th day of April, 2019, your employee or agent, Cassie Young, 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**

WILLIAM BEELS

TO: ~~Bryan Henderson~~ (or current manager)
Local Taco
146 Pewitt Drive
Brentwood, TN 37027

Case No. BBB-2019-03

You are hereby summoned to appear before the Beer Board for the City of Brentwood, Tennessee on **July 22, 2019 at 7:00 p.m. following the City Commission meeting**, at Brentwood City Hall, 5211 Maryland Way, 2nd Floor Commission Chambers, 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 4th day of April, 2019, your employee or agent, Cassie Young, 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 Bryan Henderson (or current manager WILLIAM BEELS), c/o Local Taco, 146 Pewitt Drive, Brentwood, Tennessee 37027, on this the 20TH day of MAY, 2019.



Brentwood Police Department

MARK STEPHENS



TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

500 James Robertson Pkwy, Davy Crockett Twr, 3rd Floor; Nashville, TN 37243-0755 PHONE: (615) 741-1602

9276



REGULATORY CITATION

THE NUMBER OF VIOLATIONS ON THIS REGULATORY CITATION IS (TOTAL)= (MAX. 5)

THE UNDERSIGNED BEING DULY SWORN UPON HIS/HER OATH DEPOSES THAT:

ON THE 4 DAY OF April, 20 19

PERMITEE: Local Taco (The) ADDRESS: 146 Hewitt Drive

CITY: Brentwood, TN COUNTY: Williamson ZIP: 37027 PHONE:

PERMIT NUMBER: EXPIRATION DATE:

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

No. of Counts

- ☒ 1 Sale of Alcoholic Beverage/Beer to Minor **\$1,500**
TCA§ 57-4-203(b)(1)(A) or (B); 57-3-406(d)
- ☐ Minor in Possession TCA§ 57-4-203(b)(2)(A)- **\$1,500**
- ☐ Sell/Furnishing Alcoholic Beverage to Visibly Intoxicated Person TCA§57-4-203(c)(1); 57-3-406(c)
- ☒ 1 Failure to Properly Display Permit in a Conspicuous Place
TABC Rule #0100-1-03(17) - **\$200.00**
- ☐ Failure to Post "Pregnancy Warning" TCA§ 57-1-211 - **\$150.00**
- ☐ Other
- ☐ Other

No. of Counts

- ☐ Employing Persons to Dispense Alcoholic Beverages W/O a Permit TCA§ 57-4-203(h); 57-3-204(4)(c)- **\$150.00**
- ☐ Failure to Timely Renew TCA§57-3-605- **\$150** (Non-Resident); 57-3-213(a)(b)- **\$350.00** (Retail), **\$150** (Winery or Direct Shipper); 57-4-201(a)- **\$350** (LBD) (Circle One)
- ☐ On Premises Sale By Bottle Restricted Rule #0100-1-.03(8) TCA§57-4-203(e)(1)- **\$250.00**
- ☐ Hours of Sale Violation TCA§57-4-203(d); 57-3-406(e) Rule #0100-1-.03(2); 0100-03-.13(4)- **\$750.00**
- ☐ Purchasing Alcoholic Beverages From Other Than A Licensed Wholesaler TCA§57-3-404 et seq.- **\$300/bottle**
- ☐ Other
- ☐ Other

NARRATIVE: During a USTOP conducted at this establishment on 04/04/2019, Cassie Young sold a Miller Lite bottle to underage CI. SA Amorese witnessed the sale. SA Amorese said FD was not checked. TABC license posted in establishment expired on 07/27/2018

The undersigned further states that he/she has just and reasonable grounds to believe and does believe, that the person/establishment named above committed the offense(s) herein set forth, contrary to Law and/or Rule. This 4 day of April, 20 19.

Chris H. Mies
SPECIAL AGENT/REGULATORY OFFICER/ISSUING PERSONNEL

NOTICE: This Regulatory Citation imposes a total civil penalty in the amount of \$ Call TABC. If you choose to settle this Regulatory Citation without contesting the alleged violation(s), you are **REQUIRED** to pay the total civil penalty amount no later than twenty (20) calendar days from the citation date listed above. If you wish to contest this Regulatory Citation and the violation(s) contained therein you may do so by contacting ABC by phone at 615-741-1602 or by mail at the following address: 500 James Robertson Pkwy, Davy Crockett Tower, 3rd Floor, Nashville, TN 37243-0755, within 20 calendar days of receipt. **This citation can only be satisfied by admitting to the violation and making payment, or by requesting a hearing by phone or mail.** Failing to satisfy this citation may result in administrative penalties and/or costs being assessed against you, including the suspension and/or revocation of your TABC permit.

I understand the above notice, and my signature below is an acknowledgement of my understanding, and not an admission of guilt.

[Signature] 4/4/19 *Bryan Henderson owner*
Signature of Recipient/Authorized Agent of Permittee Date Recipient's Name and Title (PRINT)

IF MAILED: Date Mailed: Mailed by: Initials: Printed Name:

ADMISSION OF GUILT:

I/we agree to settle this TABC Regulatory Citation with the admission of my/our guilt as to the violation(s) noted above and the payment of the total civil penalty imposed, as noted above, and in the amount of \$ (by business check, cashier's check or money order [no personal checks or cash accepted]). Upon the plea of guilty as to the above noted violations I/we enter a plea of guilt hereby waiving any and all rights to a TABC administrative hearing and/or appeals.

Signature of Authorized Agent of Permittee or Permittee Date Authorized Agent of Permittee or Permittee's Name and Title (PRINT)

**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.}

Beer Violations History by Name

<u>Name of Business</u>	<u>Address</u>	<u>Date of Violation</u>	<u>Suspension/Penalty</u>
55 South	7031 Executive Center Dr	2/27/2018	Paid \$2000 penalty
Amoco Food Shop	7112 Moores Lane	9/8/1997	30 day probation
B P Oil	7108 Moores Lane	4/23/1993	105 days
B P Oil	158 Franklin Road	5/3/1993	4 months
Brentwood Market & Deli	925 Franklin Road	5/18/1994	45 days
Brick's Café & Bistro	330 Franklin Road	2/27/2018	Paid \$2000 penalty
Brick's Café & Bistro	330 Franklin Road	4/4/2019	TBD
Canyon Café	1645 Westgate Circle	8/19/1999	30 days
Chili's Grill & Bar	107 Creekside Crossing	12/28/2013	7 days with signs
Chili's Grill & Bar	107 Creekside Crossing	4/4/2019	TBD
Church Street Pub (a/k/a The Pub or the Pac)	7022 Church Street	8/19/2004	6 months
City Café	330 Franklin Rd, Ste 250B	4/4/2019	TBD
Concord General Store	1101 Wilson Pike	5/18/1994	30 days
Cozymel's Coastal Grill	1654 Westgate Circle	12/28/2013	7 days with signs
Gulf Market	158 Franklin Road	2/19/1989	60 days
H. G. Hill #21	235 Franklin Road	3/15/2002	Paid \$1500 penalty
Hanabi Japanese Restaurant	214 Ward Circle	2/27/2018	Paid \$2000 penalty
Jefferson's Restaurant	214 Ward Circle	2/27/2018	Paid \$2000 penalty
Judge Bean's BBQ	7022 Church Street	12/28/2013	7 days with signs
Kroger	330 Franklin Road	5/18/1994	45 days
Kwik Sak	7116 Moores Lane	5/18/1994	45 days
Kwik Sak	7116 Moores Lane	3/8/2002	30 days (new owner)
Le Skewer	330 Franklin Rd, Ste 904D	4/4/2019	TBD
Little Bros Amoco	141 Franklin Road	3/5/1993	60 days
Little Bros Amoco	141 Franklin Road	5/18/1994	120 days
Little Bros Amoco	141 Franklin Road	3/15/2002	7 days with signs
Local Taco	146 Pewitt Drive	2/27/2018	7 days with signs
Local Taco	146 Pewitt Drive	4/4/2019	TBD
Ludlow & Prime	330 Franklin Rd, Ste 226B	4/4/2019	TBD

Mapco Express Williams Express (formerly Mapco)	8009 Moores Lane	5/18/1994	45 days
Mapco Express Williams Express (formerly Mapco)	8009 Moores Lane	8/19/1999	30 days
Mapco Express Williams Express (formerly Mapco)	8009 Moores Lane	5/20/2016	Paid \$1000 penalty
Pei Wei Asian Diner	101 Creekside Crossing, Ste 1800	4/4/2019	TBD
Piggly Wiggly	144 Wilson Pike	5/18/1994	45 days
Shogun Steakhouse	1648 Westgate Circle	8/19/1999	30 days
Sportsman Lodge	1640 Westgate Circle	8/19/1999	30 days
Star Market	120 Franklin Road	10/19/1984	30 day probation
Star Market	120 Franklin Road	4/4/1985	30 days
Stout Burgers and Beers	400 Centerview Drive	2/27/2018	Paid \$2500 penalty
The Smokey Cigar 2	1800 Carothers Pkwy, Ste 1	5/20/2016	Paid \$1000 penalty
Twin Peaks	1634 Galleria Boulevard	4/4/2019	TBD

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*

The employee that served the informant after hours is an experienced server. The person accompanying the informant was considerably older and it was a lapse in judgment to serve both without checking IDs. The server has attended classes through ABC and has been made aware of Local Taco's policies of carding everyone that looks under 40.

(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*

It was a lapse in judgment. At the time, Local Taco did not have a "card everyone" policy. This means that servers are allowed to use judgment as to when to card someone and the employee was wrong, which is human nature to make mistakes.

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

After this incident, Local Taco has implemented additional policies to prevent future violations. First, there is now a "card everyone" policy. Additionally, the server must write down the date of birth and enter it into the computer system. The DOB appears on the bar chit and the bartender will double-check the DOB before serving a drink. If there is no DOB on the bar chit, no drink will be made.

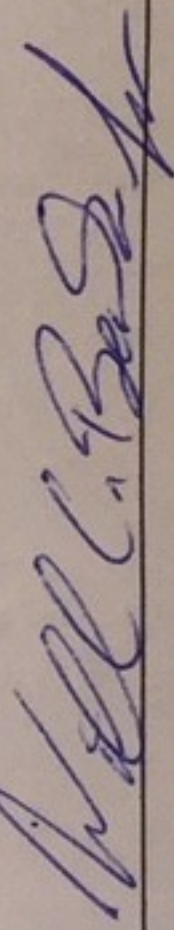
For off-premises permit holders only: *Is this business a participant in Tennessee's Responsible Vendor program and compliant with the program's requirements?*

____ Yes ☒ No

Submitted by:

(Print name and title) William C. Beeks Jr

General Manager

Signature: 

Date: July 2, 2019

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:

AB

Date:

5/18/18



July 18, 2019

Sent Via E-Mail
Beer Board for the City of Brentwood
Attn: Holly Earls, City Recorder
Holly.Earls@brentwoodtn.gov

RE: Local Taco Beer Board Summons
Beer Board Hearing Date: July 22, 2019 at 7:00 pm
Case No. BBB-2019-03
Citation Date: April 4, 2019
Local Taco Address: 146 Pewitt Drive, Brentwood, TN 37027

Dear Ms. Earls:

After speaking with Ms. Corn, City Attorney for the City of Brentwood, I would like to provide the Beer Board with this supplement to the Questionnaire previously submitted. Please forward this letter to the Beer Board Members prior to the scheduled Beer Board hearing. The purpose of this supplement is to provide additional information concerning mitigating factors that may be considered when determining any penalty to be assessed. This letter also addresses the current ownership of Local Taco.

First, Local Taco does not deny that its employee served an underage individual a beer on April 4, 2019. This was an unfortunate oversight on the part of the employee, a valued and long-serving employee for Local Taco. Prior to this incident, she was aware of Local Taco's policies concerning carding individuals to insure they are over 21 years of age. She made a poor judgment call and has accepted responsibility for her conduct.

As a result of this incident, Local Taco has instituted several new policies and training to insure a similar, future incident does not occur. Local Taco has now instituted a card everyone policy. Further, each employee that cards a customer who orders an alcoholic beverage must write down the birth date and enter this information into the computer system utilized for inputting orders. This encourages employees to take a harder look at the birth date and avoid "glancing" during busy times. When the birth date is entered into the system, the birth date will show up on the ticket sent to the bar where the bartender prepares the alcoholic beverages. If there is no birth date on the ticket, the bartender will not prepare the drink and speak with the employee or a manager to check on why the birth date was not included. If there is a birth date on the bartender's ticket, the bartender will confirm that the birth date shows the customer is over 21 years of age. This two-tier system is aimed at preventing mistakes that may be made in calculating the customer's age by the server. All employees have been trained on these new policies.

I also want to discuss Local Taco's current ownership. Local Taco's beer permit is held by TLT Group Brentwood, LLC. TLT Group Brentwood, LLC is owned 100% by TLT Group, LLC.

TLT Group, LLC is currently owned by TLT Development Partners, LLC. The current owners purchased TLT Group, LLC in November 2018. As part of the Membership Purchase Agreement, the prior owners of TLT Group, LLC did not disclose any past license violations and made assurances that all necessary steps had been completed so that the licenses in place would continue past the purchase date and were sufficient for the new owners to carry on the business in all material respects. After the new owners took ownership of TLT Group, LLC, they contacted the Tennessee Alcoholic Beverage who informed them that the purchase of the grandparent entity—TLT Group, LLC—was not a change in ownership that would require new applications. Relying on ABC's opinion, the owners proceeded forward with operating their business.

On April 4, 2019, Local Taco was cited with selling alcohol to an underage minor. As a result of this citation, Local Taco learned for the first time that its beer permit had another citation from prior to the ownership change of TLT Group, LLC. The prior citation stemmed from the sale of an alcoholic beverage to a minor on February 27, 2018. The previous owners did not disclose this citation in the Membership Purchase Agreement. Local Taco now finds itself facing a penalty for a second violation.

Local Taco is not attempting to shift responsibility. It is responsible for the April 4, 2019 citation that is the subject of this hearing. While it is true that Local Taco relied upon the assurances of the previous owners as to the current standing of its licenses and permits, Local Taco did not engage the City of Brentwood prior to, or soon after, the purchase in November. Similarly, when Local Taco was informed by TN ABC that the purchase of the grandparent company—TLT Group, LLC—was not a change in ownership requiring new licensing, Local Taco failed to check with the City of Brentwood to see if it shared the same view as TN ABC. Local Taco takes full responsibility for this oversight and will work with the City to ensure that it has any information it requires on this matter.

In closing, I hope the Beer Board takes into consideration the unique circumstances involved in this matter and will consider the mitigating factors and corrective measures outlined in this letter when determining an adequate penalty. At the hearing, we will have Michael Sloane, President of TLT Development Partners, LLC, Billy Beels, General Manager for Local Taco, and William Ball, legal counsel with my firm (I will unfortunately be on a family vacation at the time of the hearing). Thank you.

Very truly yours,

THE ORTALE KELLEY LAW FIRM

/s/ Mickey Schmitt

Mickey Schmitt

CC: William Ball, via email at wball@ortalekelley.com
Kristen Corn, via email at Kristen.Corn@brentwoodtn.gov
Billy Beels, via email at bbeels@localtaco.com
Michael Sloane, via email at msloaneii@aol.com