



**Agenda for the Meeting of Brentwood Beer Board
Monday, October 28, 2019 - 7:00 pm following the City Commission Meeting
Brentwood City Hall**

Call to Order by Mayor
Roll Call

Approval of Minutes

October 14, 2019

New Business

1. Beer Law Violation Hearing - Chili's Grill & Bar, 107 Creekside Crossing
2. Beer Law Violation Hearing - Ludlow & Prime, 330 Franklin Rd, Ste 226B
3. Beer Law Violation Hearing - Pei Wei Asian Diner, LLC, 101 Creekside Crossing, Ste 1800
4. Beer Law Violation Hearing - BurgerFi, 7010 Executive Center Drive
5. Beer Law Violation Hearing - Peter's Sushi, 330 Franklin Rd, Ste 912D
6. Other new business

A handwritten signature in black ink, appearing to read "Kirk Bednar". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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: 10/28/2019

Submitted by: Holly Earls, Administration

Department: Administration

Information

Subject

Approval or correction of minutes from the October 14, 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, October 14, 2019 at 6:45 pm at Brentwood City Hall.

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

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

Approval of Minutes

September 23, 2019

Moved by Commissioner Nelson Andrews for approval of the minutes as written, seconded by Commissioner Susannah Macmillan

Vote: 6 - 0 Approved

Other: Mayor Rhea Little (Abstain)

New Business

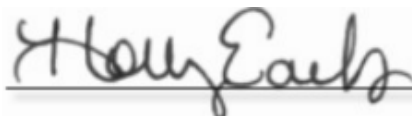
Request from Tri Star Energy, LLC for off premises beer permit at Hightail #6613, 150 Franklin Road (change in name of existing business)

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 6:48 pm.

APPROVED _____



Holly Earls, City Recorder

Brentwood Beer Board Agenda

Meeting Date: 10/28/2019

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 August 8, 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 September 4, 2019, requiring an appearance before the Beer Board on October 28, 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 October 28 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.) 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 April 4, 2019. The Beer Board issued a penalty of a

seven-day suspension and required Chili's to post signs alerting its customers of the suspension.

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 & Regulatory Citation

Penalty Guidelines

Beer Violations History

August 2019 Questionnaire

Prehearing Memorandum

April 2019 Questionnaire & Memo

BRENTWOOD BEER BOARD
October 28, 2019
Case No. BBB-2019-09
Violation Hearing - Procedural Format
Chili's Grill & Bar, 107 Creekside Crossing

1. Chairman calls case number and permit holder's name: *Case No. BBB-2019-09, 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 8th day of August, 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

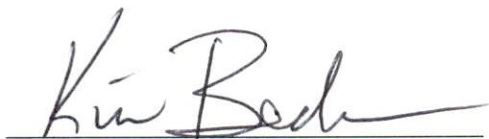
Case No. BBB-2019-09

You are hereby summoned to appear before the Beer Board for the City of Brentwood, Tennessee on **October 28, 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 8th day of August, 2019, your employee or agent, James L. Wilson, 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 Walter Pierce), c/o Chili's Grill & Bar, 107 Creekside Crossing, Brentwood, Tennessee 37027, on this the 4th day of September, 2019.

SGT. S. James / S. JAMES
Brentwood Police Department



13825

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



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 8 DAY OF Aug, 2019

PERMITEE: Chili's ADDRESS: 107 Creekside Xing

CITY: Brentwood TN COUNTY: Williamson ZIP: 37027 PHONE: 615-378-0114

PERMIT NUMBER: LDBST EXPIRATION DATE: 6-2-20

1800427

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

U.S. STOP
CI 19-0372

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: During a minor compliance check @ this location, the server James L. Wilson sold a Bud Light to an underage operative (DOB 3-5-99). The server did check ID. SA Childress witnessed the sale.

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 8 day of Aug, 2019

Made Sumus #511
SPECIAL AGENT/REGULATORY OFFICER/ISSUING PERSONNEL

NOTICE: This Regulatory Citation imposes a total civil penalty in the amount of \$5000.00. 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.

Jeffrey J. Bertoek
Signature of Recipient/Authorized Agent of Permittee

8/8/19
Date

JEFFREY J. BERTOEN
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)

STATE OF TENNESSEE UNIFORM CITATION

No. 2403

COURT DATE

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AGENCY

ID NO

COMPLAINT - AFFIDAVIT

☐ DOS☐ PD☐ SO☒ OTHER

ABC

TN/0191500

VIOLATOR

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES

NAME (FIRST) JAMES (MIDDLE) LAWRENCE (LAST) WILSON, JR

ADDRESS 1013 ADAMS AVE

CITY COLUMBIA

DRIVER'S LICENSE [REDACTED]

CLASS/TYPE LICENSE

D

STATE

TN

ZIP CODE

38401

STATE

TN

EXPIRATION DATE

MO 05 DAY 20 YR 27

☐ CARRIER

ADDRESS

☐ MC☐ CMV☐ HAZ☐ ACCIDENT

MAT

DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE

MAKE

MODEL

YEAR

COLOR

LICENSE PLATE NUMBER

STATE

YEAR

LOCALE

UPON STREET/HIGHWAY

S.R. #

TRAVEL DIR

M.M. #

CITY/COUNTY

HIGHWAY TYPE

☐ 2-LAREA ☐ BUSINESS☐ N ☐ S ☐ E ☐ W

BRENTWOOD

☐ 3-L ☐ 4-L ☐ DIV ☐ I-RD☐ SCHOOL ☐ RES ☐ RURAL

VIOLATION

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

- 01 ☐ SPEEDING _____ MPH IN _____ SPEED LIMIT ☐ ZONE ☐ PACING ☐ RADAR ☐ OTHER 591 ☐ OVERWEIGHT AXLE
- 02 ☐ RECKLESS DRIVING 20 ☐ DUI BAC _____ 103 ☐ REGISTRATION LAW
- 03 ☐ TRAFFIC CONTROL DEVICE 22 ☐ REV/SUS/CAN DL 393 ☐ CHILD RESTRAINT

☒ OTHER:

T.C.A. 57-4-903

ORDINANCE: STATE TO MINOR

NARRATIVE

ON AUGUST 8, 2019, JAMES LAWRENCE WILSON, JR, A SERVER AT CIPRI'S IN BRENTWOOD, SERVED TWO BOB LEGAT DRAFT BEERS TO AN UNDER 21 YEA MINOR DURING MINOR COMPLIANCE CHECKS CONDUCTED IN BRENTWOOD. THE MINOR'S ID WAS CHECKED. THE SALE WAS WITNESSED BY SPEER /PORT STAIN CHALLENGER.

OFFICER

THE UNDERSIGNED FURTHER STATES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH, CONTRARY TO LAW.

THIS 8 DAY OF August 20 19 TIME 19:29 ☐ AM ☒ PM SA JOURNAN SUEB 137 RANK OFFICER NAME (PRINT) BADGE ID NO

HAVING BEEN DULY SWORN, I DO HEREBY ATTEST THAT THE ABOVE IS A TRUE AND COMPLETE COPY OF THE ORIGINAL CITATION, AND THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 9th DAY August 20 19 YOU ARE THEREFORE, COMMANDED, IN THE NAME OF THE STATE FOREWITH TO ARREST AND BRING THIS PERSON BEFORE ME, OR SOME OTHER MAGISTRATE OF THE COUNTY TO ANSWER THE ABOVE CHARGE.

SIGNATURE OF OFFICER

JUDGE/CLERK/MAGISTRATE FOR

COUNTY

COURT

IN THE

☐ GENERAL SESSIONS COURT OF Williamson COUNTY NO. Franklin☐ JUVENILE COURT

COURT

ON

WED

THE

28

DAY OF

August

20

19

TIME

0830

☐ AM ☒ PM

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED BY THIS CITATION OR AT THE APPROPRIATE POLICE STATION FOR BOOKING AND PROCESSING WILL RESULT IN YOUR ARREST FOR A SEPARATE CRIMINAL OFFENSE WHICH IS PUNISHABLE BY A JAIL SENTENCE OF ELEVEN(11) MONTHS AND TWENTY-NINE (29) DAYS AND/OR A FINE OF UP TO TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500).

I UNDERSTAND THE ABOVE NOTICE, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

VIOLATOR'S SIGNATURE

COURT COPY

BLER-32

**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.}

<u>Beer Violations History by Name</u>			
<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	30 days with signs
Brick's Café & Bistro - liquor	330 Franklin Road	8/8/2019	TBD
Burger Fi	7010 Executive Center Drive	8/8/2019	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	7 days with signs
Chili's Grill & Bar	108 Creekside Crossing	8/8/2019	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	7 days with signs
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	7 days with signs
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	30 days with signs

Ludlow & Prime	330 Franklin Rd, Ste 226B	4/4/2019	7 days with signs
Ludlow & Prime	330 Franklin Rd, Ste 226B	8/8/2019	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	10 days with signs
Pei Wei Asian Diner	101 Creekside Crossing, Ste 1800	8/8/2019	TBD
Peter's Sushi	330 Franklin Rd, Ste 912D	8/8/2019	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	7 days with signs

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 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

TABC server permit training, company training, and the additional measures described in the attached Prehearing Memorandum

- (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

failure to follow company policy

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

yes, as detailed in the Prehearing memorandum

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)

Wells Trompeter

Signature:

[Signature]

Date:

10/4/19



Wells Trompeter
615.850.8759 direct
wells.trompeter@wallerlaw.com

October 4, 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-2019-09*

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 October 28, 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 'Wells 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)

its efforts on training and policies regarding beer service and universal carding at the Brentwood Chili's and other Tennessee locations, customizing a more stringent carding 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). As discussed at the July 2019 Beer Board hearing, Jeff Bertoen, the manager at the Brentwood Chili's, terminated a long-term employee who was previously a manager when she failed to read an identification card at the appropriate time during a BARS exercise. There are signs posted at all point of sale terminals showing the year in which someone must have been born to serve alcohol.

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; however, as the Beer Board is aware, a longtime bartender at the Brentwood Chili's served to a minor in April of 2019 and, despite her longevity with Chili's and favored status, was terminated immediately, consistent with Chili's zero-tolerance policy. As discussed at the July Beer Board meeting, the management at the Brentwood Chili's took the opportunity of that April incident to hold additional informal and formal meetings about the appropriate policies and procedures regarding carding and the handling of underage IDs, including the fact that there is absolutely no excuse not to hand a red box ID to a manager to check.

The Brentwood Chili's also purchased two ID scanning machines, also discussed at the last Beer Board meeting, both of which arrived right around the time of the sale at issue here and both of which are now in use.

B. Relevant Facts of the Incident

In the case of the August sale to a minor, the server had given his resignation on two weeks' notice and was working out those last two weeks. He had three days remaining in his notice period on the day of the sale. He did check the identification of the customer; however, it was a red box ID, and he failed to follow the policy of showing it to a manager or bringing the ID to the scanner. This failure was despite the fact that all Brentwood Chili's team members had been required to sign a form that showing understanding and acknowledgement of the policies regarding ID checks and underage sales at the start of each shift. The Brentwood Chili's has retained the signed forms, which include the birthdate on which a customer must have been born to serve, for over one month and will bring them for inspection by the Beer Board at the upcoming meeting. Consistent with Chili's policy, the server was of course terminated on the spot.

C. Future Remedial Steps

As stated above, consistent with Chili's policy, the server involved in the incident was terminated immediately. In addition to the measures in the attached Corrective Action Plan for Chili's Brentwood (Exhibit B), all of which Chili's implemented following the April 2019 sale addressed at the July 2019 Beer Board meeting, the Brentwood Chili's has put in place an additional policy that requires each server to enter the date of birth at the point of sale terminal each time he or she rings in an alcoholic drink ordered by a customer. This requires the server to actually stop and look closely at the ID and birthdate thereon before moving to the next task during a busy shift. That order then goes to the bartender to fill, and the manager on duty looks at the tickets being filled by the bartenders to ensure that the bartenders never fill an order without a birthdate on the ticket. An example of the daily sign-in sheet reflecting the new policy

and acknowledgement thereof by the servers is attached as Exhibit C. The new scanners, which arrived in August, are continued to be used as a backup to ensure that human errors do not slip through the cracks. All of this slows down efficiencies and makes the jobs of managers at the Brentwood Chili's more difficult; however, Chili's fully understands the importance of this issue and the value of the effort.

Chili's has considered additional radical measures in an effort to creatively tackle the problem going forward. As a part of those efforts, the Brentwood Chili's has considered allowing alcoholic drinks only to be purchased by customers at the bar and/or requiring that every single ID, rather than only those with red boxes or that look questionable, be checked by a manager upon the order of alcohol. Neither of those two policies is in place at the over 1,000 Chili's restaurants, and unfortunately they would not really work for Chili's customers from an efficiency or practicality perspective in practice.

In an effort to combat the situation that led to the sale at issue now, however, the Brentwood Chili's has decided to no longer continue to allow servers to be involved with the service or sale of alcohol for any period of time after their resignation submission. In this situation, the server only had three days remaining in his two-week notice period, and a person in that situation regrettably is not going to be as invested in the culture and enforcement of the practices and policies in place as someone who plans to continue working for and being a part of the organization going forward. As such, the Brentwood Chili's has decided to change its policy to have servers who have given their notices of resignation work their notice periods in roles that do not in any way involve the sale or service of alcohol, such as food runners or hosts. This policy change was implemented with the hope of avoiding having servers checking IDs for

customers when they are no longer devoted to the culture of compliance that Chili's has worked to instill in the restaurant.

D. Conclusion

The April 2019 sale to a minor considered by the Beer Board in July was treated as its first violation. As such, Chili's is aware and acknowledges that the instant sale will be treated as a second violation. Because Chili's already had appropriate training and preventative measures in place at the time of the sale in August of 2019, and because Chili's promptly terminated the server involved with the sale and put in place even more additional corrective measures to ensure compliance with all beer laws going forward, Chili's respectfully requests that the Beer Board impose the alternative penalty of a two-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 4th day of October, 2019, to the following:

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

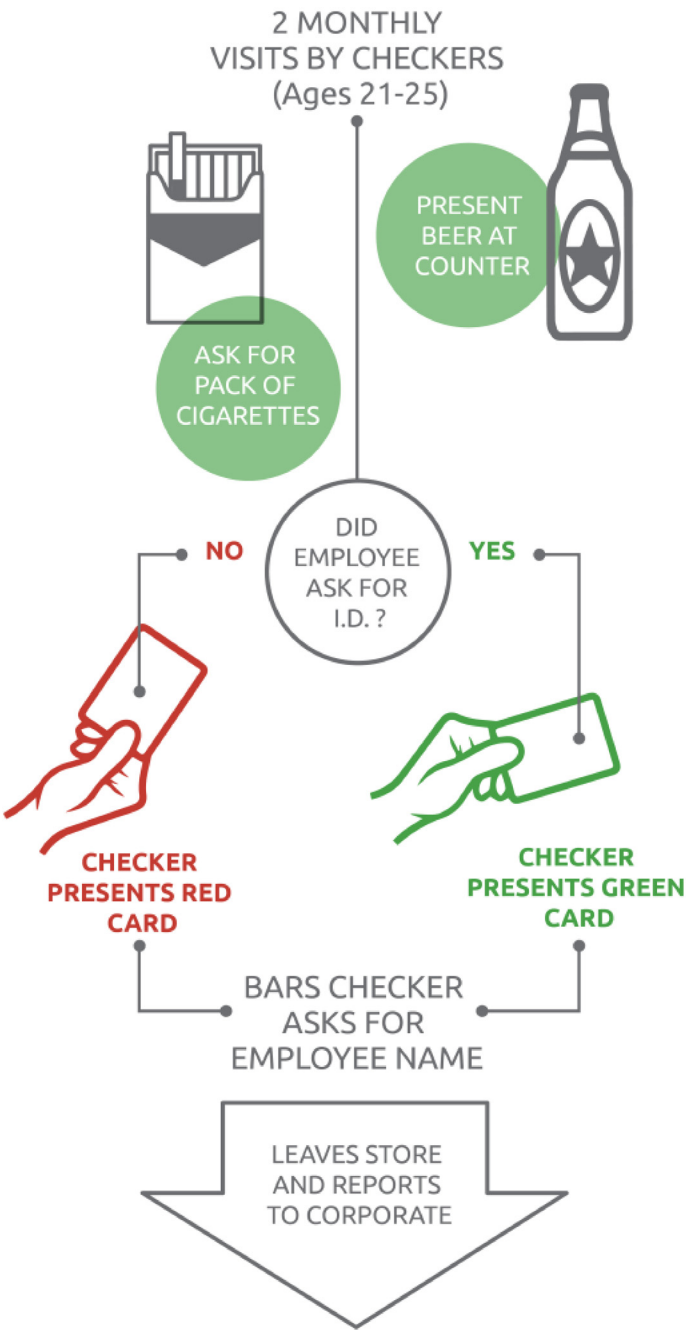
Kristen Corn, Esq.
City Attorney
kristen.corn@brentwoodtn.gov



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 Mowry, 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


CHILI'S ALCOHOL PROCEDURES

BY SIGNING THIS DOCUMENT I AM STATING THAT I FULLY UNDERSTAND OUR I.D. CHECKING PROCEDURES.

 THE PROCEDURES STATES THAT I WILL CARD EVERYONE. I WILL GET A MANAGER INVOLVED WITH EVERY TABLE WHO WISHES TO ORDER ALCOHOL AND CANNOT PROVIDE ME WITH A VALID I.D.

A VALID I.D. WILL BE A STATE ISSUED PICTURE IDENTIFICATION CARD THAT IS NOT EXPIRED, TAMPERED WITH AND CONFORMS TO ALL SPECIFICATIONS IN OUR I.D. CHECKING BOOK. I WILL GET A MANAGER INVOLVED WITH ANYONE WHO ATTEMPTS TO ORDER ALCOHOL WITH A TAMPERED OR QUESTIONABLE I.D.

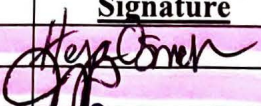
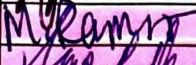
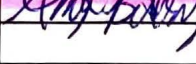




I UNDERSTAND IT IS MY RESPONSIBILITY TO CARD EVERYONE WHO ORDERS ALCOHOL FROM ME, EVEN IF THEY HAVE AN ALCOHOLIC DRINK ALREADY.

1. Servers must bring all IDs with a minor red stripe to a manager for approval.
 2. Servers must verify the validity of the ID by scanning all IDs in the scanning devices.
 3. When ordering a drink in the computer, the server must ring the DOB (mmyy) as a modifier to the drink.
-  The bartender will not make any drink if it does not have the DOB modifier present.

FAILURE TO FOLLOW ANY OF THESE PROCEDURES WILL RESULT IN DISCIPLINARY ACTION LEADING UP TO AND INCLUDING TERMINATION. THE PERSON MUST HAVE BEEN BORN ON OR BEFORE TODAY'S DATE IN 1998. (see below)

Today's date: 08/29/2019

Born On Date: 08/29/1998 (must be before this date)

	Permit exp. Date	Signature	Mgr Spot Checked
Heja Osman	12/22/2020		
Jessica Patterson	02/04/2020		
Michelle Ramsour	08/03/2023		
Amye Bilbrey	12/09/2019		
Nate Goodwin	10/16/2023		
Meshia Taylor	02/26/2024		
Heather Scott	09/08/2021		
Ethan Bell	07/09/2024		
 on Williams	01/14/2024		
Shelby Greer	02/12/2024		
Gabriel Brown	07/09/2024		
Nathan Hansel	02/26/2024		

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

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,



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

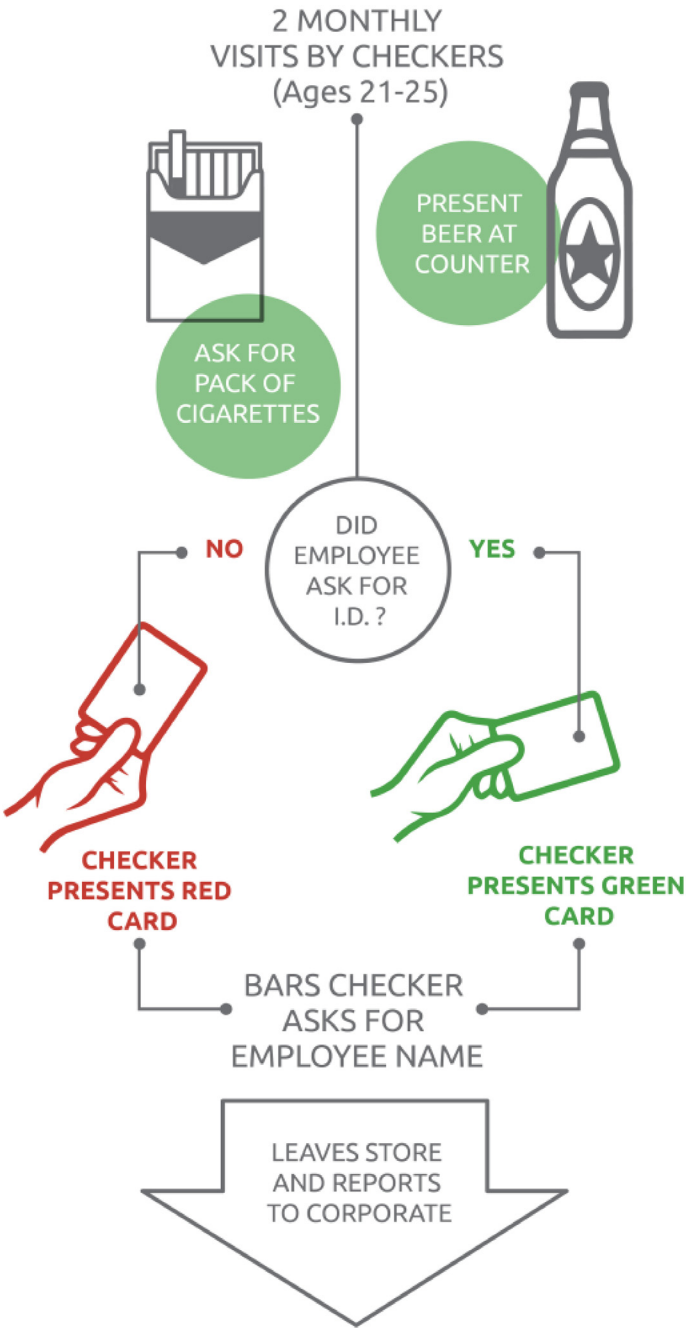
Kristen Corn, Esq.
City Attorney
kristen.corn@brentwoodtn.gov



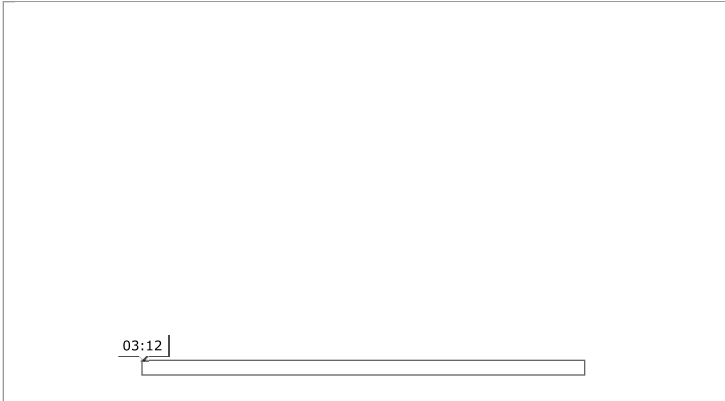
EXHIBIT A



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.

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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."

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

EXHIBIT B



Corrective Action Plan Chili's Brentwood

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- 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.

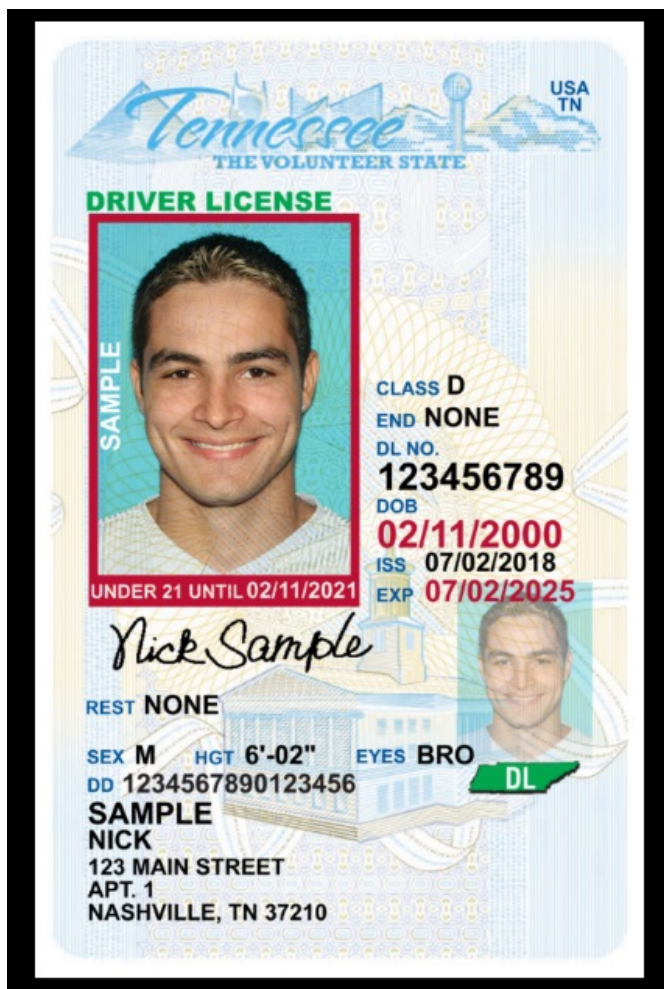


Under 21 Tennessee drivers' licenses have a defect. Many Under 21 licenses do not expire when the driver turns 21. Under 21 licenses can be valid for years after the driver turns 21.

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: 10/28/2019

Submitted by: Holly Earls, Administration

Department: Administration

Information

Subject

Beer Law Violation Hearing - Ludlow & Prime, 330 Franklin Rd, Ste 226B

Background

In an operation carried out by the Tennessee Alcoholic Beverage Commission, an underage informant purchased beer at Ludlow & Prime on August 8, 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 Ludlow & Prime on September 5, 2019, requiring an appearance before the Beer Board on October 28, 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 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 Ludlow & Prime 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 October 28 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.) 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.

Ludlow & Prime had a previous violation on April 4, 2019. The Beer Board issued a penalty of a seven-day suspension and required Ludlow & Prime 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

Attachments

Hearing Format
Summons & Regulatory Citation
Penalty Guidelines
Beer Violations History
August 2019 Questionnaire
April 2019 Questionnaire

BRENTWOOD BEER BOARD
October 28, 2019
Case No. BBB-2019-10
Violation Hearing - Procedural Format
Ludlow & Prime, 330 Franklin Rd, Ste 226B

1. Chairman calls case number and permit holder's name: *Case No. BBB-2019-10, Ludlow & Prime.*
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 8th day of August, 2019, your employee unlawfully sold beer to a person under the age of 21 years at Ludlow & Prime, located at 330 Franklin Rd, Ste 226B.*
4. Chairman states: *In documents filed with the Beer Board, Ludlow & Prime 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: Tim Kohler (or current manager)
Ludlow & Prime
330 Franklin Rd, Ste 226B
Brentwood, TN 37027

Case No. BBB-2019-10

You are hereby summoned to appear before the Beer Board for the City of Brentwood, Tennessee on **October 28, 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 Ludlow & Prime at 330 Franklin Rd, Ste 226B, 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 8th day of August, 2019, your employee or agent, Andrew Converse, unlawfully sold beer to a person under the age of twenty-one (21) years at Ludlow & Prime at 330 Franklin Rd, Ste 226B, 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 Tim Kohler (or current manager Tim Kohler), c/o Ludlow & Prime, 330 Franklin Rd, Ste 226B, Brentwood, Tennessee 37027, on this the 5th day of September, 2019.

Sgt. S. Pepin
Brentwood Police Department

STATE OF TENNESSEE UNIFORM CITATION

No. 2401

COURT DATE

☐ ☐ ☐

AGENCY

ID NO

COMPLAINT - AFFIDAVIT

☐ DOS☐ PD☐ SO☒ OTHER

TABC

JW0191800

VIOLATOR

NAME (FIRST)

ANDREW

MIDDLE

J

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES

CONVERSE

RACE

W

SEX

M

ADDRESS

3801 SOMERS LANE

CITY

THOMPSON STATION

STATE

TN

ZIP CODE

37179

CLASS/TYPE LICENSE

D

STATE

NY

EXPIRATION DATE

MO 02 DAY 04 YR 24

☒ YES☐ NO

SEAT BELT?

☐ YES☐ NO

VEHICLE

☐ OWNED ☐ LEASED NAME☐ CARRIER

ADDRESS

☐ MC☐ CMV☐ HAZ☐ ACCIDENT☐ MAT

DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE:

MAKE

MODEL

YEAR

COLOR

LICENSE PLATE NUMBER

STATE

YEAR

LOCALE

UPON STREET/HIGHWAY

S.R. #

TRAVEL DIR

M.M. #

CITY/COUNTY

HIGHWAY TYPE

☐ 2-LAREA ☐ BUSINESS☐ N ☐ S ☐ E ☐ W

Brentwood/Reynolds

☐ 3-L ☐ 4-L ☐ DIV ☐ I-RO☐ SCHOOL ☐ RES ☐ RURAL

VIOLATION

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

- 01 ☐ SPEEDING _____ MPH IN _____ SPEED LIMIT ☐ ZONE ☐ PACING ☐ RADAR ☐ OTHER 591 ☐ OVERWEIGHT AXLE
02 ☐ RECKLESS DRIVING 20 ☐ DUI BAC 103 ☐ REGISTRATION LAW
03 ☐ TRAFFIC CONTROL DEVICE 22 ☐ REV/SUS/CAN DL 393 ☐ CHILD RESTRAINT
☒ OTHER

T.C.A. 57-4-203

ORDINANCE: JAIL TO MENDOR

NARRATIVE

ON AUGUST 8, 2019, ANDREW J. CONVERSE, A SERVER AT LUDLOW & IRVING, SERVED AN UNDER 21 YOA MENDOR A BOTTLE OF BUD LIGHT BEER DURING A MENDOR COMPLIANCE CHECK BEING CONDUCTED AT BRENTWOOD, THE MENDOR'S ID CHALLENGED, THE SEE WAS WITNESSED BY SPECIAL AGENT JOSEPH PHILLIPS.

OFFICER

THE UNDERSIGNED FURTHER STATES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH, CONTRARY TO LAW

THIS 8 DAY OF AUGUST 20 19 TIME 1815 ☐ AM ☒ PM SA JAMAR SWIFT RANK OFFICER NAME (PRINT) BADGE/ID NO

HAVING BEEN DULY SWORN, I DO HEREBY ATTEST THAT THE ABOVE IS A TRUE AND COMPLETE COPY OF THE ORIGINAL CITATION, AND THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

SWORN TO AND SUBSCRIBED BEFORE ME THIS 8th DAY OF August 20 19 YOU ARE THEREFORE, COMMANDED IN THE NAME OF THE STATE FOREWITH TO ARREST AND BRING THIS PERSON BEFORE ME, OR SOME OTHER MAGISTRATE OF THE COUNTY TO ANSWER THE ABOVE CHARGE

SIGNATURE OF OFFICER

JUDGE/CLERK/MAGISTRATE FOR

COUNTY

COURT

IN THE

1 ☒ GENERAL SESSIONS COURT OF

Wasson County

NO

IN THE CITY OF

Brentwood Franklin

NO

2 ☐ JUVENILE COURT

COURT

ON Wednesday

THE 28

DAY OF August

20

19

TIME 05:30

☐ AM ☒ PM

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED BY THIS CITATION OR AT THE APPROPRIATE POLICE STATION FOR BOOKING AND PROCESSING WILL RESULT IN YOUR ARREST FOR A SEPARATE CRIMINAL OFFENSE WHICH IS PUNISHABLE BY A JAIL SENTENCE OF ELEVEN(11) MONTHS AND TWENTY-NINE (29) DAYS AND/OR A FINE OF UP TO TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500).

I UNDERSTAND THE ABOVE NOTICE, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

VIOLATOR'S SIGNATURE

COURT COPY

BLER-32

**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.}

<u>Beer Violations History by Name</u>			
<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	30 days with signs
Brick's Café & Bistro - liquor	330 Franklin Road	8/8/2019	TBD
Burger Fi	7010 Executive Center Drive	8/8/2019	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	7 days with signs
Chili's Grill & Bar	108 Creekside Crossing	8/8/2019	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	7 days with signs
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	7 days with signs
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	30 days with signs

Ludlow & Prime	330 Franklin Rd, Ste 226B	4/4/2019	7 days with signs
Ludlow & Prime	330 Franklin Rd, Ste 226B	8/8/2019	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	10 days with signs
Pei Wei Asian Diner	101 Creekside Crossing, Ste 1800	8/8/2019	TBD
Peter's Sushi	330 Franklin Rd, Ste 912D	8/8/2019	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	7 days with signs

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

Business name: **Ludlow & Prime**

Address: 330 Franklin Rd, Ste 226B, 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

we dedicate a full day of training for all servers and bartenders this training is mandatory before any sale of alcohol. the training consists of identifying all underage individuals and intoxicated individuals it is per company policy to card ALL individuals who request alcohol.

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

☒ Yes _____ No

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

human error on the part of the employee. he failed to card the underage individuals. he did not follow our protocol.

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

re-training of all servers and bartenders. even more emphasis placed on id of all individuals.

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) Eli M. German, Assistant General Manager

Signature: Eli German

Date: September 23, 2019

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

Business name: **Ludlow & Prime**

Address: 330 Franklin Rd, Ste 226B, Brentwood, TN 37027

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

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

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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) Eli M. German, Assistant General Manager

Signature: Eli German

Date: September 23, 2019

Brentwood Beer Board Agenda

Meeting Date: 10/28/2019

Submitted by: Holly Earls, Administration

Department: Administration

Information

Subject

Beer Law Violation Hearing - Pei Wei Asian Diner, LLC, 101 Creekside Crossing, Ste 1800

Background

In an operation carried out by the Tennessee Alcoholic Beverage Commission, an underage informant purchased beer at Pei Wei Asian Diner on August 8, 2019. Further, the employee selling the beer was under the age of eighteen (18) years old. 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 Pei Wei Asian Diner on September 4, 2019, requiring an appearance before the Beer Board on October 28, 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 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 Pei Wei Asian Diner 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 October 28 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.) 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.

Pei Wei Asian Diner had a previous violation on April 4, 2019. The Beer Board issued a penalty of a ten-day suspension and required Pei Wei Asian Diner 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

Attachments

Hearing Format
Summons & Regulatory Citation
Penalty Guidelines
Beer Violations History
August 2019 Questionnaire
April 2019 Questionnaire

BRENTWOOD BEER BOARD
October 28, 2019
Case No. BBB-2019-11
Violation Hearing - Procedural Format
Pei Wei Asian Diner, LLC, 101 Creekside Crossing, Ste 1800

1. Chairman calls case number and permit holder's name: *Case No. BBB-2019-11, Pei Wei Asian Diner, 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 8th day of August, 2019, your employee unlawfully sold beer to a person under the age of 21 years at Pei Wei Asian Diner, LLC, located at 101 Creekside Crossing, Ste 1800. Further, the employee selling the beer was under the age of eighteen (18) years old in violation of state law and Brentwood Municipal Code 6-62.*
4. Chairman states: *In documents filed with the Beer Board, Pei Wei Asian Diner, 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: Joshua Rogers (or current manager)
Pei Wei Asian Diner, LLC
101 Creekside Crossing, Ste 1800
Brentwood, TN 37027

Case No. BBB-2019-11

You are hereby summoned to appear before the Beer Board for the City of Brentwood, Tennessee on October 28, 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 Pei Wei Asian Diner, LLC at 101 Creekside Crossing, Ste 1800, 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 8th day of August, 2019, your employee or agent unlawfully sold beer to a person under the age of twenty-one (21) years at Pei Wei Asian Diner, LLC at 101 Creekside Crossing, Ste 1800, within the corporate limits of the City of Brentwood, Tennessee, contrary to T.C.A. §57-5-301(a). Further, the employee selling the beer was under the age of eighteen (18) years old in violation of state law and Brentwood Municipal Code 6-62. 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 Joshua Rogers (or current manager JOSHUA ROGERS), c/o Pei Wei Asian Diner, LLC, 101 Creekside Crossing, Ste 1800, Brentwood, Tennessee 37027, on this the 4th day of September, 2019.

SGT. S. James / S. JAMES
Brentwood Police Department



13143
TENNESSEE ALCOHOLIC BEVERAGE COMMISSION
500 James Robertson Pkwy, Davy Crockett Twr, 3rd Floor; Nashville, TN 37243-0755 PHONE: (615) 741-1602



REGULATORY CITATION

THE NUMBER OF VIOLATIONS ON THIS REGULATORY CITATION IS (TOTAL)= 3 (MAX. 5)

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

ON THE 8 DAY OF August, 20 19

PERMITEE: Pei Wei Asian Diner ADDRESS: 101 Creekside Xing, Ste. 1800

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

PERMIT NUMBER: _____ EXPIRATION DATE: 07/30/2020

LB2010-W16-1821612

AFORSAID 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
- ☒ 1 Other L39: Allowing persons under the
age 18 years of age to dispense, serve,
Other or sell alcoholic beverages in
violation of T.C.A. § 57-3-704(b)

No. of Counts

- ☒ 1 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 08/08/2019, a 17-year old
female served a Bud Light bottle to underage CI. SA Phillips witnessed the sale. SA Phillips
said that ID was checked. Underage female sold beer to minor

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 8 day of August, 20 19.

Chris H. #512

SPECIAL AGENT/REGULATORY OFFICER/ISSUING PERSONNEL

NOTICE: This Regulatory Citation imposes a total civil penalty in the amount of \$ 5650.00. 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 8/8/19 Date Josh Rogers (General Manager) 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 8/1 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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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	7 days with signs
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	30 days with signs

Ludlow & Prime	330 Franklin Rd, Ste 226B	4/4/2019	7 days with signs
Ludlow & Prime	330 Franklin Rd, Ste 226B	8/8/2019	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	10 days with signs
Pei Wei Asian Diner	101 Creekside Crossing, Ste 1800	8/8/2019	TBD
Peter's Sushi	330 Franklin Rd, Ste 912D	8/8/2019	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	7 days with signs

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

Business name: **Pei Wei Asian Diner, LLC**

Address: 101 Creekside Crossing, Ste 1800, 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*

Pei Wei requires all state and local mandated alcohol, beer and/or wine training course to be completed if 360training.com's online program certificate is not accepted. Pei Wei also includes instructions for team members to follow federal alcohol requirements.

- (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*

The employee that suffered this violation, was scheduled for alcohol training and certification however due to the employee being a new member with Pei Wei, the training had not been completed as of the day the violation occurred. The Pei Wei organization has implemented all new hires going forward to complete alcohol training and certification within 7 days of their hire date.

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

Forced government regulations training to all team members to complete within 14 days at the location.

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

 N/A Yes N/A No

Submitted by:
(Print name and title)

Signature:

Date:

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

Business name: **Pei Wei Asian Diner, LLC**

Address: 101 Creekside Crossing, Ste 1800, 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*

Pei Wei requires all state and local mandated alcohol, beer and/or wine training course to be completed if 360training.com's online program certificate is not accepted. Pei Wei also includes instructions for team members to follow federal alcohol requirements.

- (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*

The employee that suffered this violation, was scheduled for alcohol training and certification however due to the employee being a new member with Pei Wei, the training had not been completed as of the day the violation occurred. The Pei Wei organization has implemented all new hires going forward to complete alcohol training and certification within 7 days of their hire date.

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

Forced government regulations training to all team members to complete within 14 days at the location.

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

 N/A Yes N/A No

Submitted by:
(Print name and title)

Signature:

Date:

Brentwood Beer Board Agenda

Meeting Date: 10/28/2019

Submitted by: Holly Earls, Administration

Department: Administration

Information

Subject

Beer Law Violation Hearing - BurgerFi, 7010 Executive Center Drive

Background

In an operation carried out by the Tennessee Alcoholic Beverage Commission, an underage informant purchased beer at BurgerFi on August 8, 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 BurgerFi on September 4, 2019, requiring an appearance before the Beer Board on October 28, 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 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 BurgerFi 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 October 28 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 & Regulatory Citation
Penalty Guidelines
Beer Violations History
Questionnaire

BRENTWOOD BEER BOARD
October 28, 2019
Case No. BBB-2019-12
Violation Hearing - Procedural Format
BurgerFi, 7010 Executive Center Drive

1. Chairman calls case number and permit holder's name: *Case No. BBB-2019-12, BurgerFi.*
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 8th day of August, 2019, your employee unlawfully sold beer to a person under the age of 21 years at BurgerFi, located at 7010 Executive Center Drive.*
4. Chairman states: *In documents filed with the Beer Board, BurgerFi 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: Mika Arnold (or current manager)
BurgerFi
7010 Executive Center Drive
Brentwood, TN 37027

Case No. BBB-2019-12

You are hereby summoned to appear before the Beer Board for the City of Brentwood, Tennessee on **October 28, 2019 at 7:00 p.m. following the City Commission Meeting**, at Brentwood City Hall, 5211 Maryland Way, Brentwood, Tennessee to then and there show cause, if any you have, why the beer permit of BurgerFi at 7010 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 8th day of August, 2019, your employee or agent, Spencer Davis, unlawfully sold beer to a person under the age of twenty-one (21) years at BurgerFi at 7010 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 Mika Arnold (or current manager *Lisa Somerville*), c/o BurgerFi, 7010 Executive Center Drive, Brentwood, Tennessee 37027, on this the 9-4-19 day of September, 2019.

LISA SOMERVILLE

Sgt. S. James / S. JAMES
Brentwood Police Department



13162 TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

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



USTOP

CI-19-0368

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 8 DAY OF August, 20 19

PERMITEE: BurgerFi ADDRESS: 7010 Executive Center Drive, Ste 100

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

PERMIT NUMBER: _____ EXPIRATION DATE: 05/18/2020

LBPRST-WIL-1800359

AFORSAID 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 08/08/2019, Spencer Davis
Sold a 12oz Frost Steel Barrel draft to underage C.I. SA Phillips witnessed the sale.
SA Phillips said that 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 8 day of August, 20 19.

Chris Downing #512
SPECIAL AGENT/REGULATORY OFFICER/ISSUING PERSONNEL

NOTICE: This Regulatory Citation imposes a total civil penalty in the amount of \$ 5000.00. 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.

Tremont Young 8/8/19 Tremont Young Manager
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 waving 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)

STATE OF TENNESSEE UNIFORM CITATION

No. 3796

COURT DATE

08/28/19

COMPLAINT - AFFIDAVIT

☐ DOS☐ PD☐ SO☒ OTHER

AGENCY

TABC

I.D. NO.

TN091800

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

VIOLATOR

NAME (FIRST)	(MIDDLE)	(LAST)	RACE	SEX
Spencer	Alton	Davis	W	M
ADDRESS			SEATBELT?	
515 Lecanne Dr.			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
CITY	STATE	ZIP CODE		
Nashville	TN	37211		
CLASS/TYPE LICENSE	STATE	EXPIRATION DATE		
D	TN	8/1/25		

VEHICLE

<input type="checkbox"/> OWNED <input type="checkbox"/> LEASED	NAME	ADDRESS	<input type="checkbox"/> MC <input type="checkbox"/> CMV <input type="checkbox"/> HAZ
<input type="checkbox"/> CARRIER			<input type="checkbox"/> ACCIDENT <input type="checkbox"/> MAT
DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE:			
MAKE	MODEL	YEAR	COLOR
			LICENSE PLATE NUMBER
			STATE
			YEAR

LOCAL

UPON STREET/HIGHWAY	SR #	TRAVEL DIR.	M.M. #	CITY/COUNTY	HIGHWAY TYPE	AREA
7010 Executive Center Dr.		<input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W		Brentwood	<input type="checkbox"/> 2-L <input type="checkbox"/> 3-L <input type="checkbox"/> 4-L <input type="checkbox"/> DIV. <input type="checkbox"/> 1-RD	<input type="checkbox"/> BUSINESS <input type="checkbox"/> SCHOOL <input type="checkbox"/> RES. <input type="checkbox"/> RURAL

VIOLATION

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

01 <input type="checkbox"/> SPEEDING _____ MPH IN _____ SPEED LIMIT _____	<input type="checkbox"/> ZONE <input type="checkbox"/> PACING <input type="checkbox"/> RADAR <input type="checkbox"/> OTHER	591 <input type="checkbox"/> OVERWEIGHT AXLE
02 <input type="checkbox"/> RECKLESS DRIVING	20 <input type="checkbox"/> DUI BAC _____	103 <input type="checkbox"/> REGISTRATION LAW
03 <input type="checkbox"/> TRAFFIC CONTROL DEVICE	22 <input type="checkbox"/> REV/SUS/CAN DL	393 <input type="checkbox"/> CHILD RESTRAINT
OTHER: _____		

NARRATIVE

T.C.A. 57-4-203 ORDINANCE: under age sale to a minor

on 8/8/19, at approximately 17:48 Hrs the TABC conducted minor compliance checks at BurgerFi located at 7010 Executive Center Dr. Brentwood, TN. The defendant sold a (Frost Steel Barrel 12 oz) to a confidential informant (I/A-police) who is twenty years of age, witnessed by S/A Phillips. Event occurred in Williamson county. The ID was checked by the defendant but he stated he missed counted the D.O.B.

OFFICER

THE UNDERSIGNED FURTHER STATES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH, CONTRARY TO LAW.

THIS 8th DAY OF Aug 20 19 TIME 17:48 PM S/A Ross K. [Signature] 133

HAVING BEEN DULY SWORN, I DO HEREBY ATTEST THAT THE ABOVE IS A TRUE AND COMPLETE COPY OF THE ORIGINAL CITATION, AND THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY _____ 20 _____; YOU ARE THEREFORE, COMMANDED, IN THE NAME OF THE STATE FOREWITH TO ARREST AND BRING THIS PERSON BEFORE ME, OR SOME OTHER MAGISTRATE OF THE COUNTY TO ANSWER THE ABOVE CHARGE.

SIGNATURE OF OFFICER

JUDGE/CLERK/MAGISTRATE FOR

COUNTY

COURT

1 <input checked="" type="checkbox"/> GENERAL SESSIONS COURT OF _____ COUNTY	NO. _____	IN THE CITY OF _____	NO. _____
2 <input type="checkbox"/> JUVENILE COURT	_____	_____	_____
COURT	ON _____ THE _____ DAY OF _____	20 _____	TIME _____ AM _____ PM

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED BY THIS CITATION OR AT THE APPROPRIATE POLICE STATION FOR BOOKING AND PROCESSING WILL RESULT IN YOUR ARREST FOR A SEPARATE CRIMINAL OFFENSE WHICH IS PUNISHABLE BY A JAIL SENTENCE OF ELEVEN (11) MONTHS AND TWENTY-NINE (29) DAYS AND/OR A FINE OF UP TO TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500).

I UNDERSTAND THE ABOVE NOTICE, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

VIOLATOR'S SIGNATURE

Spencer Davis

COURT COPY

**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.}

<u>Beer Violations History by Name</u>			
<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	30 days with signs
Brick's Café & Bistro - liquor	330 Franklin Road	8/8/2019	TBD
Burger Fi	7010 Executive Center Drive	8/8/2019	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	7 days with signs
Chili's Grill & Bar	108 Creekside Crossing	8/8/2019	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	7 days with signs
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	7 days with signs
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	30 days with signs

Ludlow & Prime	330 Franklin Rd, Ste 226B	4/4/2019	7 days with signs
Ludlow & Prime	330 Franklin Rd, Ste 226B	8/8/2019	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	10 days with signs
Pei Wei Asian Diner	101 Creekside Crossing, Ste 1800	8/8/2019	TBD
Peter's Sushi	330 Franklin Rd, Ste 912D	8/8/2019	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	7 days with signs

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

Business name: **BurgerFi**

Address: 7010 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. All employees and managers are required to complete online courses on responsible service of alcohol. Employees are required to ask for and verify every guest served is of age.

(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 asked for and reviewed the I.D. and incorrectly computed the wrong date/age.

(d) Any subsequent measures taken since the violation occurred to prevent future occurrences. Employees are not permitted to serve. Managers are the only authorized individuals permitted to check I.D.'s and serve.

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

n/a _____ Yes _____ No

Submitted by:

(Print name and title) Michael Adams, Director of Operations

Signature: [Signature]

Date: 9/12/19

Brentwood Beer Board Agenda

Meeting Date: 10/28/2019

Submitted by: Holly Earls, Administration

Department: Administration

Information

Subject

Beer Law Violation Hearing - Peter's Sushi, 330 Franklin Rd, Ste 912D

Background

In an operation carried out by the Tennessee Alcoholic Beverage Commission, an underage informant purchased beer at Peter's Sushi on August 8, 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 Peter's Sushi on September 4, 2019, requiring an appearance before the Beer Board on October 28, 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 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 Peter's Sushi 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 October 28 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 & Regulatory Citation
Penalty Guidelines
Beer Violations History
Questionnaire
Policy Manual

BRENTWOOD BEER BOARD
October 28, 2019
Case No. BBB-2019-13
Violation Hearing - Procedural Format
Peter's Sushi, 330 Franklin Road, Ste 912D

1. Chairman calls case number and permit holder's name: *Case No. BBB-2019-13, Peter's Sushi.*
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 8th day of August, 2019, your employee unlawfully sold beer to a person under the age of 21 years at Peter's Sushi, located at 330 Franklin Road, Ste 912D.*
4. Chairman states: *In documents filed with the Beer Board, Peter's Sushi 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: Raviwan Jarupat (or current manager)
Peter's Sushi
330 Franklin Road, Ste 912D
Brentwood, TN 37027

Case No. BBB-2019-13

You are hereby summoned to appear before the Beer Board for the City of Brentwood, Tennessee on **October 28, 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 Peter's Sushi at 330 Franklin Road, Ste 912D, 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 8th day of August, 2019, your employee or agent, Antoinette Valenti, unlawfully sold beer to a person under the age of twenty-one (21) years at Peter's Sushi at 330 Franklin Road, Ste 912D, 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 Raviwan Jarupat (or current manager JASON LEE), c/o Peter's Sushi, 330 Franklin Road, Ste 912D, Brentwood, Tennessee 37027, on this the 4th day of September, 2019.


SGT. S. James / S. JAMES
Brentwood Police Department



13163 TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

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



USTOP

C19-0367

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 8 DAY OF August, 20 19

PERMITEE: Peter's Sushi ADDRESS: 330 Franklin Road

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

PERMIT NUMBER: _____ EXPIRATION DATE: 09/23/2019

LBDW10-WIL-1823275

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(e)(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 08/08/2019, Antoinette Valenti sold a Bud Light bottle to underage CI. SA Phillips witnessed the sale. SA Phillips said that 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 8 day of August, 20 19.

Ching Fleming #512
SPECIAL AGENT/REGULATORY OFFICER/ISSUING PERSONNEL

NOTICE: This Regulatory Citation imposes a total civil penalty in the amount of \$ 1500.00. 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] 8-8-19 RAVIWAN JARUPAT
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)

STATE OF TENNESSEE UNIFORM CITATION

No. 3797

COURT DATE

8/28/19

COMPLAINT - AFFIDAVIT

☐ DOS☐ PD☐ SO☒ OTHER

AGENCY

TABCC

I.D. NO.

TN0191800

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

VIOLATOR VEHICLE

NAME (FIRST) (MIDDLE) (LAST)

Antoinette Faith Valenti

ADDRESS

5025 Chad Field way

CITY

Antioch

STATE

TN

ZIP CODE

37027

CLASS/TYPE LICENSE

E

STATE

FL

EXPIRATION DATE

MO. DAY YR

10 12 21

RACE

W

SEX

F

TN RESIDENT?

☒ YES ☐ NO

SEAT BELT?

☐ YES ☐ NO☐ OWNED ☐ LEASED☐ CARRIER

ADDRESS

☐ MC☐ CMV☐ HAZ☐ ACCIDENT☐ MAT

DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE:

MAKE

MODEL

YEAR

COLOR

LICENSE PLATE NUMBER

STATE

YEAR

LOCALE

UPON STREET/HIGHWAY

303 Franklin Rd

S.R. #

TRAVEL DIR.

☐ N ☐ S ☐ E ☐ W

M.M. #

CITY/COUNTY

Brentwood Williamson

HIGHWAY TYPE

☐ 2-L☐ 3-L ☐ 4-L ☐ DIV. ☐ 1-RDAREA ☐ BUSINESS☐ SCHOOL ☐ RES. ☐ RURAL

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

- 01 ☐ SPEEDING MPH IN _____ SPEED LIMIT _____ ☐ ZONE ☐ PACING ☐ RADAR ☐ OTHER 591 ☐ OVERWEIGHT AXLE
 02 ☐ RECKLESS DRIVING 20 ☐ DUI BAC _____ 103 ☐ REGISTRATION LAW
 03 ☐ TRAFFIC CONTROL DEVICE 22 ☐ REV/SUS/CAN DL _____ 393 ☐ CHILD RESTRAINT
☐ OTHER: _____

T.C.A. 57-4-203

ORDINANCE: Underage Sales to minor

NARRATIVE

On 8/08/19, at approximately 18:17 Hrs the TABCC conducted a minor compliance check at Peter's Sushi @ Thai located at 303 Franklin Rd 9120 Brentwood, TN. The defendant sold a bottle (Bud Light 12oz) to a confidential informant (CI 19-01160) who is twenty year of age, witnessed by S/A Phillips. Event occurred in Williamson county. The ID was checked but the server misread D.U.I.D.

OFFICER

THE UNDERSIGNED FURTHER STATES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH, CONTRARY TO LAW.

THIS 8th DAY OF August 2019 TIME 18:17 ☐ AM ☒ PM SA Ross Elamright 133

HAVING BEEN DULY SWORN, I DO HEREBY ATTEST THAT THE ABOVE IS A TRUE AND COMPLETE COPY OF THE ORIGINAL CITATION, AND THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY _____ 20____; YOU ARE THEREFORE, COMMANDED, IN THE NAME OF THE STATE FOREWITH TO ARREST _____ AND BRING THIS PERSON BEFORE ME, OR SOME OTHER MAGISTRATE OF THE COUNTY TO ANSWER THE ABOVE CHARGE.

SIGNATURE OF OFFICER

JUDGE/CLERK/MAGISTRATE FOR

COUNTY

COURT

IN THE

1

GENERAL SESSIONS COURT OF

Williamson

NO.

IN THE

CITY OF Brentwood

NO.

2

JUVENILE COURT

COURT

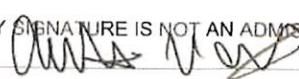
ON 08th DAY OF August 2019

TIME 1:00pm

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED BY THIS CITATION OR AT THE APPROPRIATE POLICE STATION FOR BOOKING AND PROCESSING WILL RESULT IN YOUR ARREST FOR A SEPARATE CRIMINAL OFFENSE WHICH IS PUNISHABLE BY A JAIL SENTENCE OF ELEVEN (11) MONTHS AND TWENTY-NINE (29) DAYS AND/OR A FINE OF UP TO TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500).

I UNDERSTAND THE ABOVE NOTICE, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

VIOLATOR'S SIGNATURE



**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.}

<u>Beer Violations History by Name</u>			
<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	30 days with signs
Brick's Café & Bistro - liquor	330 Franklin Road	8/8/2019	TBD
Burger Fi	7010 Executive Center Drive	8/8/2019	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	7 days with signs
Chili's Grill & Bar	108 Creekside Crossing	8/8/2019	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	7 days with signs
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	7 days with signs
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	30 days with signs

Ludlow & Prime	330 Franklin Rd, Ste 226B	4/4/2019	7 days with signs
Ludlow & Prime	330 Franklin Rd, Ste 226B	8/8/2019	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	10 days with signs
Pei Wei Asian Diner	101 Creekside Crossing, Ste 1800	8/8/2019	TBD
Peter's Sushi	330 Franklin Rd, Ste 912D	8/8/2019	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	7 days with signs

TO THE BRENTWOOD BEER BOARD

To be submitted in advance of violation hearing

Business name: **Peter's Sushi**

Address: 330 Franklin Road, Ste 912D, 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

① ALL SERVERS MUST OBTAIN AN ABC ~~CARD~~ SERVING PERMIT.

② ALL EMPLOYEES ARE REQUIRED TO READ OUR POLICIES/PROCEDURES PERTAINING TO ALCOHOL

(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

WE DID NOT REALIZE THAT EMPLOYEES NEEDED GUIDANCE/REFERENCE WITH DETERMINING MONTH/DAY OF LEGAL AGE TO BE SERVED. WITHIN OUR 15 YEARS OF BUSINESS IN BUSINESS. THIS HAS NEVER

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

WE HAVE AMMENDED OUR POLICIES/PROCEDURES UNDER "THINGS TO CHECK" IN BOLD TO "CHECK MONTH/DAY/YEAR" AND TO REFER TO OUR DIGITAL "BORN ON OR BEFORE THIS DATE." WE HAVE PURCHASED A "BORN ON OR

For off-premises permit holders only: Is this business a participant in Tennessee's Responsible Vendor program and compliant with the program's requirements? BEFORE THIS DATE "AUTO LED SIGN.

_____ Yes _____ No

Submitted by:

(Print name and title) RAVIWAN JARUPAT, OWNER

Signature: 

Date: 10/3/2019



Peter's Sushi & Thai Alcohol Policies/Procedures

We encourage our guests to drink responsibly; therefore, we expect our employees to ensure that all alcohol related laws are followed at all times.

Checking ID's

It is our policy that anyone serving alcohol to our patrons check the identification of anyone that appears to be under the age of 30. The only legally defensible forms of ID are the following:

- Unexpired state-issued ID card
- Unexpired state-issued Driver's License
- Unexpired US Passport

Things to Check

- The birthdate of the guest. They must be at least 21 years old to be served alcohol. This includes "Non-Alcoholic" beers.
- The photo must match the guest along with the physical description on the ID.
- Double check the ID to ensure that it has not been tampered with. I.e. Is it torn, frayed, cut, or glued?
- **CHECK the MONTH, DAY, AND YEAR to determine the birth date. Always check the LED "We I.D." sign to confirm that the guests birthdate is ON or BEFORE the day displayed on the sign. I.e. If the birthday on the ID shows August 18, 1998 and the sign displays April 18, 1998, the guest is 20 years old and not of legal age to be served alcohol.**



Under any circumstances, if there are any doubts as to the validity or any ID, please bring it to your Manager on Duty prior to serving any guest.

Three Drink Rule

It is important that our managers and staff are aware of the alcohol consumption rates of our guests. The "Three Drink Rule" is intended for this purpose. This rule states that a manager must be notified when a guest orders his or her fourth drink. It is the responsibility of the Manager to judge the appropriateness of serving a fourth drink based on the factors listed below. Any and each subsequent drink must also be judged by the Manager On Duty.

Intoxication

It is against the law to serve an intoxicated person alcohol. It is also against the law for an intoxicated person to be in our restaurant. It is critical that servers and managers carefully monitor the amount of alcohol we serve our guests and the pace at which we serve.

Factors Contributing to Intoxication

- Speed of consumption
- Height/Weight of the guest
- Type of drink consumed
- Medication, fatigue, etc...



Some Signs of Intoxication include the following:

- Slurred speech
- Inability to focus or concentrate
- Diminished motor skills
- Excessive or loud speech
- Mood Swings

It is the server's responsibility to alert your Manager immediately if you think we may have over-served a guest or if you suspect a guest has arrived intoxicated. It is the Manager's responsibility to then observe and make the decision of whether or not to serve the guest.

Refusing Service

If the decision is made to refuse service of alcohol to a guest, this must be communicated by a salaried Manager. This is a situation that requires the utmost tact and diplomacy. Remember, we want this guest to remain a loyal patron.

We have a legal responsibility to attempt to prevent intoxicated people from leaving our establishment and getting behind the wheel to drive. Our Managers' should:

- Determine whether or not the guest has a designated driver with him/her. If so, the manager must communicate and confirm the designated driver will be taking their friend safely home.
- Offer to call a Lyft/Uber. Notify a manager that a driver is needed. It is our policy to pay for our guest in need of a safe drive home.
- If all attempts to prevent the guest from driving away fails, it is our responsibility to notify the authorities.



Local Laws

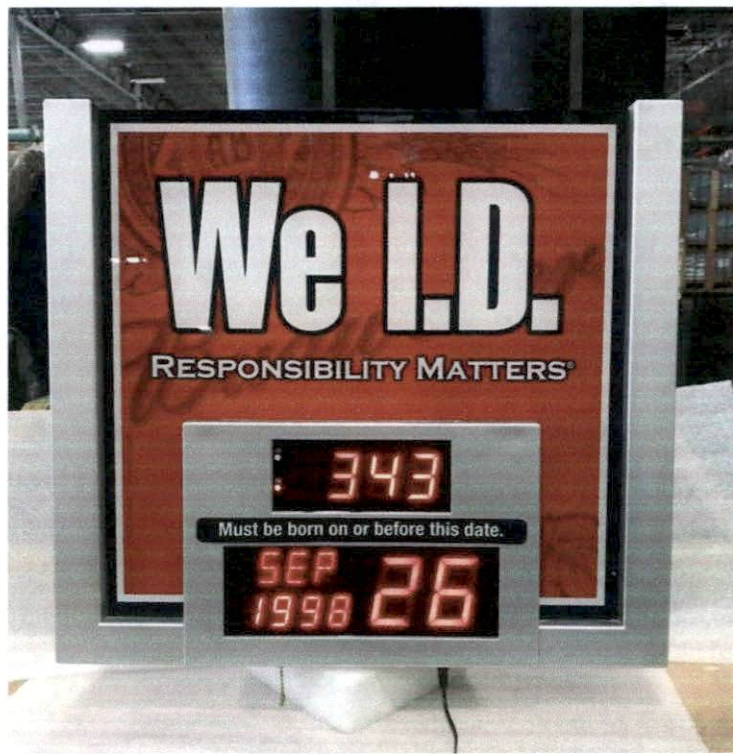
Different states and municipalities enact different laws with regard to the sale and consumption of alcohol. You will be taught and expected to follow any and all laws in this regard.

Alcohol and Employees

Peter's Sushi and Thai allows its employees to enjoy alcoholic beverages on premise within the following parameters:

- Employee must have been off work for at least an hour and have left the premises and returned
- Employee must be completely out of a Peter's Sushi uniform
- Employee must be seated in the dining room and waited on by a server
- Employee must be of legal age to consume alcohol
- The alcohol limit for employees is two drinks
- The drink must be rung up and paid for
- Alcohol can not be purchased during the last hour of business

The ability to purchase alcohol is a privilege, not a right. Violating any of these guidelines will result in discipline up to and including termination. Peter's Sushi & Thai reserves the right to amend these policies at any time.



Order information

Buyer ravjar_71
Seller bryan123704
Order placed on Wednesday, Oct 2, 2019
Payment method Credit card
Payment date Wednesday, Oct 2, 2019

Shipping address

Raviwan Jarupat
569 federal st
Franklin TN 37067
United States

Order total

Subtotal \$249.99
Shipping Free
Total \$249.99

Item(s) bought from bryan123704

Order number 03-03950-37572

Qty	Item name	Shipping service	Item price
1	Budweiser WE ID Digital SIGN Light Clock Born Before Date ID~NICE~ (113903740206)	FedEx Ground or FedEx Home Delivery	\$249.99