



FARRAGUT BOARD OF MAYOR AND ALDERMEN
May 12, 2016

BEER BOARD MEETING
6:00 PM

BOARD OF MAYOR & ALDERMEN WORKSHOP
Farragut Business Alliance
6:45 PM

BOARD OF MAYOR & ALDERMEN MEETING
Cancelled, No Business Items

11408 MUNICIPAL CENTER DRIVE | FARRAGUT, TN 37934 | 865.966.7057
WWW.TOWNOFFARRAGUT.ORG

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, national origin, age, sex, or disability pursuant to Title VI of the civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting.



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FARRAGUT BEER BOARD

May 12, 2016

6:00 PM

- I. Approval of Minutes**
 - A. April 28, 2016**
- II. Hearing to address Big Kahuna Wings, 12828 Kingston Pike, beer permit violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq.**
- III. Hearing to address Casual Pint, 143 Brooklawn Street, beer permit violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq.**
- IV. Hearing to address China Pearl, 115 Brooklawn Street, beer permit violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq.**
- V. Hearing to address El Paraiso, 11110 Kingston Pike, Suite 140, beer permit violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq.**
- VI. Hearing to address Hana Sushi & Hibachi, 11145 Kingston Pike, beer permit violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq.**
- VII. Hearing to address Mind Yer P's and Q's, 12744 Kingston Pike, Suite 104, beer permit violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq.**
- VIII. Hearing to address Snappy Tomato, 11507 Kingston Pike, beer permit violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq.**

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It is the policy of the Town of Farragut not to discriminate on the basis of race, color, national origin, age, sex, or disability pursuant to Title VI of the civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting.

FARRAGUT BEER BOARD

Minutes

April 28, 2016

Ron Pinchok, Chairman, called the beer board meeting to order at 6:55 PM. Elected officials present were Mayor McGill, Aldermen Markli, Pinchok and Povlin; Alderman LaMarche was absent.

Approval of Minutes

Motion was made to approve the minutes of March 10, 2016 as presented. Moved by Alderman Povlin, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Markli, Pinchok and Povlin; Alderman LaMarche was absent; no nays; motion passed.

Business Items

Approval of a Class 2, On-Premise Other Beer Permit for: Kroger #686, 189 Brooklawn Street

Motion was made to approve the Class 2, On-Premise Other Beer Permit for Kroger #686, 189 Brooklawn Street. Moved by Alderman Markli, seconded by Alderman Povlin; voting yes, Mayor McGill, Aldermen Markli, Pinchok and Povlin; Alderman LaMarche was absent; no nays; motion passed.

Crossfit Farragut, 10863 Kingston Pike

Motion was made to approve the Class 2, On-Premise Other Beer Permit for Crossfit Farragut, 10863 Kingston Pike. Moved by Alderman Povlin, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Markli, Pinchok and Povlin; Alderman LaMarche was absent; no nays; motion passed.

Approval of a Class 5, Off-Premise Beer Permit for: The Fresh Market #21, 11535 Kingston Pike

Motion was made to approve the Class 5, Off-Premise Beer Permit for: The Fresh Market #21, 11535 Kingston Pike. Moved by Alderman Povlin, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Markli, Pinchok and Povlin; Alderman LaMarche was absent; no nays; motion passed.

Beer Board meeting adjourned at 7:00 PM.

Ron Pinchok, Chairman

Allison Myers, Town Recorder

REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Hearing to address Big Kahuna Wings violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq

INTRODUCTION:

The purpose of this agenda item is to address Big Kahuna Wings, 12828 Kingston Pike violation(s) of the Town of Farragut Code of Ordinance §8-201 et seq.

DISCUSSION:

The Knox County Sheriff's Department performed a beer sting on various businesses within the Town of Farragut on April 21, 2016. During the operation, an employee of Big Kahuna Wings sold alcohol to a minor. A copy of the Knox County Citation is attached.

The Farragut Beer Board, per section 8-221, has the power to revoke or suspend Big Kahuna Wings beer permit or per section 8-223, can offer a civil penalty as an alternative to revocation or suspension. With respect to such permittee, the beer board may, at the time it imposes a revocation or suspension, offer the permittee the alternative of paying a civil penalty not to exceed \$2,500 for each offense of making or permitting to be made any sales to minors. The permit holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is not received within seven (7) days the revocation or suspension shall begin eight (8) days after the beer board hearing. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

1. Motion to find Big Kahuna Wings guilty OR not guilty of the violation of selling beer to a minor.

If found guilty:

2. Motion to give a penalty of _____ for violation for selling beer to a minor at Big Kahuna Wings.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>LAMARCHE</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>POVLIN</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

TOWN OF FARRAGUT, TENNESSEE
BEER BOARD,

v.

MATT BEELER

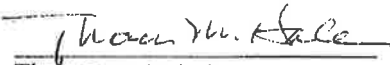
NOTICE OF HEARING

**TO: BIG KAHUNA WINGS
c/o Matt Beeler
12828 Kingston Pike
Farragut, TN 37934**

You are hereby commanded to appear before the Town of Farragut, Tennessee Beer Board on Thursday, May 12, 2016 at 6:00 P.M. at the Town of Farragut Town Hall located at 11408 Municipal Center Drive, Farragut, Tennessee.

At that place and time, a hearing will take place to address your violation(s) of Town of Farragut Code of Ordinances § 8-201 *et seq.* Specifically, on or about April 20 and 21, 2016 an employee of your business was cited for selling alcohol to a minor in violation of Tenn. Code Ann. § 57-4-203(b) and Farragut Code § 8-220(6). A copy of the citation evidencing this violation is attached as Exhibit A to this Notice. The Town of Farragut, Tennessee Beer Board shall at that time review the facts of this matter and determine what penalty, if any, is appropriate under the circumstances including, but not limited, revocation or suspension of your beer permit, Permit No. 0287, as provided by Town of Farragut Code of Ordinances § 8-223 and/or levying a civil penalty as provided by Town of Farragut Code of Ordinances § 8-224.

This 28th day of April, 2016.


Thomas M. Hale, Esq.
Attorney, Town of Farragut
Kramer Rayson LLP
P.O. Box 629
Knoxville, TN 37901
(865) 525-5134

No. KCO- 120404

☒ STATE OF TENNESSEE T.C.A. CITATION
☐ KNOX COUNTY ORDINANCE CITATION
 COMPLAINT - AFFIDAVIT

16042/1662

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

VIOLATOR	NAME (FIRST)	(MIDDLE)	(LAST)	DATE OF BIRTH MO. DAY YR.	RACE	SEX
	Loren	Leshannon	Waddell	10 14 70	B	M
	ADDRESS			TN RESIDENT?	SEAT BELT?	
				☒ YES ☐ NO	☐ YES ☐ NO	
VEHICLE	CITY	STATE	ZIP CODE	SOCIAL SECURITY NUMBER		
	Lenoir City	TN	37172			
	DRIVER LICENSE NUMBER	CLASS/TYPE LICENSE	STATE	EXPIRATION DATE MO. DAY YR.	TELEPHONE NUMBER	
		ID only	TN	10 14 20	(865)-898-1688	
PLACE OF EMPLOYMENT						
Big Kahuna Wings, 12828 Kingston Pike						
☐ OWNED ☐ LEASED ☐ CARRIER NAME ADDRESS ☐ CARRIER						
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-L ☐ 3-L ☐ 4-L ☐ DIV. ☐ I-RO AREA ☐ BUSINESS ☐ SCHOOL ☐ RES. ☐ RURAL

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

☐ SPEEDING _____ MPH IN _____ SPEED LIMIT ☐ ZONE ☐ PACING ☐ RADAR ☐ TRAFFIC CONTROL DEVICE
☐ RECKLESS DRIVING ☐ IMPROPER PASSING ☐ FOLLOWING TOO CLOSELY ☐ PASSING SCHOOL BUS
☐ EQUIPMENT VIOLATION - MOTORCYCLE ☐ EQUIPMENT VIOLATION - AUTOMOBILE ☐ CHILD RESTRAINT ☐ WINDOW TINT
☐ HANDICAPPED PARKING ☐ VIOLATION OF NOISE ORDINANCE
☒ OTHER: Sale of Alcohol to a minor
 T.C.A. 57-4-203

NARRATIVE

The defendant did serve a Bud Light draft to an underage minor (less than 21 yoa) at the Big Kahuna Wings, 12828 Kingston Pike.

Report for Booking on May 5, 2016 at 0730 hours at the City and County Building, 400 Main STREET in Knoxville.

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 THE LAW.

THIS 21ST DAY OF April 2016 TIME 11:52 AM PM Det. Angela PAREO 1524

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 OF _____ 20 _____

SIGNATURE OF OFFICER JUDGE/CLERK

COURT IN THE 1 ☒ GENERAL SESSIONS COURT OF KNOX COUNTY, KNOXVILLE, TN
 2 ☐ JUVENILE COURT

ON _____ THE _____ DAY OF _____ 20 _____ TIME _____

☐ KNOX COUNTY ORDINANCE CITATION
 I UNDERSTAND THE ABOVE CITATION, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

☒ STATE OF TENNESSEE T.C.A. CITATION
 NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED TO 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 UP TO SIX (6) MONTHS AND/OR A \$50 FINE. I UNDERSTAND THE ABOVE NOTICE, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

VIOLATOR'S SIGNATURE

DATE

4-21-16

REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Hearing to address Casual Pint violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq

INTRODUCTION:

The purpose of this agenda item is to address Casual Pint, 143 Brooklawn Street, violation(s) of the Town of Farragut Code of Ordinance §8-201 et seq.

DISCUSSION:

The Knox County Sheriff's Department performed a beer sting on various businesses within the Town of Farragut on April 20, 2016. During the operation, an employee of the Casual Pint sold alcohol to two (2) minors. A copy of the Knox County Citations are attached.

The Farragut Beer Board, per section 8-221, has the power to revoke or suspend the Casual Pint's beer permit or per section 8-223, can offer a civil penalty as an alternative to revocation or suspension. With respect to such permittee, the beer board may, at the time it imposes a revocation or suspension, offer the permittee the alternative of paying a civil penalty not to exceed \$2,500 for each offense of making or permitting to be made any sales to minors. The permit holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is not received within seven (7) days the revocation or suspension shall begin eight (8) days after the beer board hearing. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

1. Motion to find the Casual Pint guilty OR not guilty of the violation of selling beer to a minor.

If found guilty:

2. Motion to give a penalty of _____ for violation for selling beer to a minor at the Casual Pint.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>LAMARCHE</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>POVLIN</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

**TOWN OF FARRAGUT, TENNESSEE
BEER BOARD,**

v.

BARBARA O'BRIEN

)
)
)
)
)
)

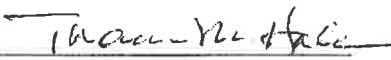
NOTICE OF HEARING

**TO: THE CASUAL PINT
c/o Barbara O'Brien
143 Brooklawn Street
Farragut, TN 37934**

You are hereby commanded to appear before the Town of Farragut, Tennessee Beer Board on Thursday, May 12, 2016 at 6:00 P.M. at the Town of Farragut Town Hall located at 11408 Municipal Center Drive, Farragut, Tennessee.

At that place and time, a hearing will take place to address your violation(s) of Town of Farragut Code of Ordinances § 8-201 *et seq.* Specifically, on or about April 20 and 21, 2016 an employee of your business was cited for selling alcohol to a minor in violation of Tenn. Code Ann. § 57-4-203(b) and Farragut Code § 8-220(6). A copy of the citation evidencing this violation is attached as Exhibit A to this Notice. The Town of Farragut, Tennessee Beer Board shall at that time review the facts of this matter and determine what penalty, if any, is appropriate under the circumstances including, but not limited, revocation or suspension of your beer permit, Permit No. 0038, as provided by Town of Farragut Code of Ordinances § 8-223 and/or levying a civil penalty as provided by Town of Farragut Code of Ordinances § 8-224.

This 28th day of April, 2016.


Thomas M. Hale, Esq.
Attorney, Town of Farragut
Kramer Rayson LLP
P.O. Box 629
Knoxville, TN 37901
(865) 525-5134

Apr. 28. 2016 11:16AM

No. 5237 P. 8

☒ STATE OF TENNESSEE T.C.A. CITATION
☐ KNOX COUNTY ORDINANCE CITATION
 COMPLAINT - AFFIDAVIT

No. KCO- 120401

1604201590

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

VIOLATOR	NAME (FIRST)	(MIDDLE)	(LAST)	DATE OF BIRTH	RACE	SEX
	Erik	Alan	Abston	9/30/91	W	M
	ADDRESS			IN RESIDENT?	SEAT BELT?	
				☒ YES ☐ NO	☐ YES ☐ NO	
VEHICLE	CITY	STATE	ZIP CODE	SOCIAL SECURITY NUMBER		
	Lenoir City	TN	37772			
	DRIVER LICENSE NUMBER	CLASS/TYPE LICENSE	STATE	EXPIRATION DATE	TELEPHONE NUMBER	
		D	TN	09/30/21	(865)-385-5133	
PLACE OF EMPLOYMENT						
The Casual Pint, 143 Brookdown						

VEHICLE	☐ OWNED ☐ LEASED	NAME	ADDRESS				
	☐ CARRIER						
	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	AREA
			☐ N ☐ S ☐ E ☐ W			☐ 2-L ☐ 3-L ☐ 4-L ☐ DIV. ☐ I-RO	☐ BUSINESS ☐ SCHOOL ☐ RES. ☐ RURAL
	AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:						
	☐ SPEEDING _____ MPH IN _____ SPEED LIMIT ☐ ZONE ☐ PACING ☐ RADAR ☐ TRAFFIC CONTROL DEVICE ☐ RECKLESS DRIVING ☐ IMPROPER PASSING ☐ FOLLOWING TOO CLOSELY ☐ PASSING SCHOOL BUS ☐ EQUIPMENT VIOLATION - MOTORCYCLE ☐ EQUIPMENT VIOLATION - AUTOMOBILE ☐ CHILD RESTRAINT ☐ WINDOW TINT ☐ HANDICAPPED PARKING ☐ VIOLATION OF NOISE ORDINANCE ☒ OTHER: sale of Alcohol to a minor T.C.A. 57-4-203						

NARRATIVE	AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:						
	☐ SPEEDING _____ MPH IN _____ SPEED LIMIT ☐ ZONE ☐ PACING ☐ RADAR ☐ TRAFFIC CONTROL DEVICE ☐ RECKLESS DRIVING ☐ IMPROPER PASSING ☐ FOLLOWING TOO CLOSELY ☐ PASSING SCHOOL BUS ☐ EQUIPMENT VIOLATION - MOTORCYCLE ☐ EQUIPMENT VIOLATION - AUTOMOBILE ☐ CHILD RESTRAINT ☐ WINDOW TINT ☐ HANDICAPPED PARKING ☐ VIOLATION OF NOISE ORDINANCE ☒ OTHER: sale of Alcohol to a minor T.C.A. 57-4-203						
	ORDINANCE:						
	The defendant did serve a Bolder Shake Nitro to an underage minor (under 21 yoa) at the Casual pint, 143 Brookdown in Farragut.						

OFFICER	Report for Booking: May 4, 2016 at 7:30 am at the City and County Building, 400 Main Street in Knoxville.						
	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 THE LAW.						
	THIS <u>20th</u> DAY OF <u>April</u> 20 <u>16</u> TIME <u>1937</u> ☐ AM ☒ PM RANK <u>Officer</u> OFFICER NAME (PRINT) <u>Allen May</u> BADGE/ID NO. <u>115</u>						
	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.						

OFFICER	SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____ 20 _____						
	SIGNATURE OF OFFICER _____ JUDGE/CLERK _____						
	COURT IN THE <u>1</u> GENERAL SESSIONS COURT OF KNOX COUNTY, KNOXVILLE, TN						
	☐ JUVENILE COURT ON _____ THE _____ DAY OF _____ 20 _____ TIME _____						

☐ KNOX COUNTY ORDINANCE CITATION

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

VIOLATOR'S SIGNATURE

☒ STATE OF TENNESSEE T.C.A. CITATION

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED TO 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 UP TO SIX (6) MONTHS AND/OR A \$50 FINE. I UNDERSTAND THE ABOVE NOTICE, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

DATE

☐ STATE OF TENNESSEE T.C.A. CITATION
☐ KNOX COUNTY ORDINANCE CITATION
 COMPLAINT - AFFIDAVIT

No. KCO- 120402

11004201590

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

VIOLATOR	NAME (FIRST)	(MIDDLE)	(LAST)	DATE OF BIRTH	RACE	SEX
	Erik	Alan	Abston	9/30/91	W	M
	ADDRESS			IN RESIDENT?	SEAT BELT?	
				☐ YES ☐ NO	☐ YES ☐ NO	
	CITY	STATE	ZIP CODE	SOCIAL SECURITY NUMBER		
	Lenoir City	TN	37772			
	DRIVER LICENSE NUMBER	CLASS/TYPE LICENSE	STATE	EXPIRATION DATE	TELEPHONE NUMBER	
		D	TN	9/30/21	(865)-385-5133	
	PLACE OF EMPLOYMENT					
	The Casual Pint, 143 Brooklawn					

VEHICLE	☐ OWNED ☐ LEASED	NAME	ADDRESS			
	☐ CARRIER					
DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE:						
MAKE	MODEL	YEAR	COLOR	LICENSE PLATE NUMBER	STATE	YEAR
UPON STREET/HIGHWAY		S.R.#	TRAVEL DIR.	M.M.#	CITY/COUNTY	HIGHWAY TYPE
LOCAL			☐ N ☐ S ☐ E ☐ W			☐ 3-L ☐ 4-L ☐ DIV. ☐ I-RO
						AREA ☐ BUSINESS ☐ SCHOOL ☐ RES. ☐ RURAL

AFDRESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

☐ SPEEDING _____ MPH IN _____ SPEED LIMIT ☐ ZONE ☐ PACING ☐ RADAR ☐ TRAFFIC CONTROL DEVICE

☐ RECKLESS DRIVING ☐ IMPROPER PASSING ☐ FOLLOWING TOO CLOSELY ☐ PASSING SCHOOL BUS

☐ EQUIPMENT VIOLATION - MOTORCYCLE ☐ EQUIPMENT VIOLATION - AUTOMOBILE ☐ CHILD RESTRAINT ☐ WINDOW TINT

☐ HANDICAPPED PARKING ☐ VIOLATION OF NOISE ORDINANCE

☒ OTHER: 57-4-203

T.C.A. Sale of Alcohol to a minor | ORDINANCE:

NARRATIVE: The defendant did serve a Green Man ESB Beer to an underage minor (under 21 yoa) at the Casual Pint, 143 Brooklawn in Forrest.

Report for Booking: May 4, 2016 at 0730 at the City and County Building, 400 Main Street in Knoxville.

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 THE LAW.

THIS 20th DAY OF April 20 16 TIME 1937 AM CAPT ALLEN MAY 115

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 OF _____ 20 _____

SIGNATURE OF OFFICER JUDGE/CLERK

COURT IN THE 1 GENERAL SESSIONS COURT OF KNOX COUNTY, KNOXVILLE, TN
 2 JUVENILE COURT

ON _____ THE _____ DAY OF _____ 20 _____ TIME _____

☐ KNOX COUNTY ORDINANCE CITATION
 I UNDERSTAND THE ABOVE CITATION, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

☒ STATE OF TENNESSEE T.C.A. CITATION
 NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED TO 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 UP TO SIX (6) MONTHS AND/OR A \$50 FINE. I UNDERSTAND THE ABOVE NOTICE, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

VIOLATOR'S SIGNATURE

Erik Abston

4-20-16
 DATE

REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Hearing to address China Pearl violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq

INTRODUCTION:

The purpose of this agenda item is to address China Pearl, 115 Brooklawn Street violation(s) of the Town of Farragut Code of Ordinance §8-201 et seq.

DISCUSSION:

The Knox County Sheriff's Department performed a beer sting on various businesses within the Town of Farragut on April 21, 2016. During the operation, an employee of China Pearl sold alcohol to a minor. A copy of the Knox County Citation is attached.

The Farragut Beer Board, per section 8-221, has the power to revoke or suspend China Pearl's beer permit or per section 8-223, can offer a civil penalty as an alternative to revocation or suspension. With respect to such permittee, the beer board may, at the time it imposes a revocation or suspension, offer the permittee the alternative of paying a civil penalty not to exceed \$2,500 for each offense of making or permitting to be made any sales to minors. The permit holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is not received within seven (7) days the revocation or suspension shall begin eight (8) days after the beer board hearing. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

1. Motion to find China Pearl guilty OR not guilty of the violation of selling beer to a minor.

If found guilty:

2. Motion to give a penalty of _____ for violation for selling beer to a minor at China Pearl.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>LAMARCHE</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>POVLIN</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

TOWN OF FARRAGUT, TENNESSEE
BEER BOARD,

v.

MEI LIEN WANG

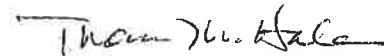
NOTICE OF HEARING

**TO: CHINA PEARL
c/o Mei Lien Wang or Manager
115 Brooklawn Street
Farragut, TN 37934**

You are hereby commanded to appear before the Town of Farragut, Tennessee Beer Board on Thursday, May 12, 2016 at 6:00 P.M. at the Town of Farragut Town Hall located at 11408 Municipal Center Drive, Farragut, Tennessee.

At that place and time, a hearing will take place to address your violation(s) of Town of Farragut Code of Ordinances § 8-201 *et seq.* Specifically, on or about April 20 and 21, 2016 an employee of your business was cited for selling alcohol to a minor in violation of Tenn. Code Ann. § 57-4-203(b) and Farragut Code § 8-220(6). A copy of the citation evidencing this violation is attached as Exhibit A to this Notice. The Town of Farragut, Tennessee Beer Board shall at that time review the facts of this matter and determine what penalty, if any, is appropriate under the circumstances including, but not limited, revocation or suspension of your beer permit, Permit No. 0286, as provided by Town of Farragut Code of Ordinances § 8-223 and/or levying a civil penalty as provided by Town of Farragut Code of Ordinances § 8-224.

This 28th day of April, 2016.



Thomas M. Hale, Esq.
Attorney, Town of Farragut
Kramer Rayson LLP
P.O. Box 629
Knoxville, TN 37901
(865) 525-5134

No. KCO- 120406

☐ STATE OF TENNESSEE T.C.A. CITATION☐ KNOX COUNTY ORDINANCE CITATION

COMPLAINT - AFFIDAVIT

16042/1680

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

VIOLATOR	NAME (FIRST)	(MIDDLE)	(LAST)	DATE OF BIRTH	RACE	SEX
	Jilly	Sien Hwa	Sio	04/09/62	A	F
	ADDRESS			IN RESIDENT?	SEAT BELT?	
				☒ YES ☐ NO	☐ YES ☐ NO	
	CITY	STATE	ZIP CODE	SOCIAL SECURITY NUMBER		
Knoxville	TN	37909	none			
DRIVER LICENSE NUMBER	CLASS/TYPE LICENSE	STATE	EXPIRATION DATE	TELEPHONE NUMBER		
	D	TN	04/09/19	(805)-257-4962		
PLACE OF EMPLOYMENT	China Pearl, 115 Brooklawn St.					

VEHICLE	☐ OWNED ☐ LEASED	NAME	ADDRESS				
	☐ CARRIER						
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-L ☐ 3-L ☐ 4-L ☐ DIV. ☐ FRD	AREA ☐ BUSINESS ☐ SCHOOL ☐ RES. ☐ RURAL

VIOLATION	AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:							
	☐ SPEEDING	MPH IN	SPEED LIMIT	☐ ZONE	☐ PACING	☐ RADAR	☐ TRAFFIC CONTROL DEVICE	
	☐ RECKLESS DRIVING	☐ IMPROPER PASSING	☐ FOLLOWING TOO CLOSELY	☐ PASSING SCHOOL BUS				
	☐ EQUIPMENT VIOLATION - MOTORCYCLE	☐ EQUIPMENT VIOLATION - AUTOMOBILE	☐ CHILD RESTRAINT	☐ WINDOW TINT				
	☐ HANDICAPPED PARKING	☐ VIOLATION OF NOISE ORDINANCE						
OTHER:	sale of Alcohol to a minor							
T.C.A.	57-4-203							
ORDINANCE:								

NARRATIVE
The defendant did serve a Bud Light draft to an underage minor (less than 21 yoa) at the China Pearl, 115 Brooklawn in Farragut.

Report for Booking on May 5, 2016 at 7:30 am at the City and County Building, 400 Main St in Knoxville.

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 THE LAW.

THIS 21st DAY OF April 20 16 TIME 2:20 PM AM Det. Angela Paris

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 OF _____ 20 _____

SIGNATURE OF OFFICER JUDGE/CLERK

COURT IN THE ☒ GENERAL SESSIONS COURT OF KNOX COUNTY, KNOXVILLE, TN ☐ JUVENILE COURT

ON _____ THE _____ DAY OF _____ 20 _____ TIME _____

☐ KNOX COUNTY ORDINANCE CITATION

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

VIOLATOR'S SIGNATURE

☒ STATE OF TENNESSEE T.C.A. CITATION

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED TO 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 UP TO SIX (6) MONTHS AND/OR A \$50 FINE. I UNDERSTAND THE ABOVE NOTICE, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

DATE

4-21-16

REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Hearing to address El Paraiso violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq

INTRODUCTION:

The purpose of this agenda item is to address El Paraiso, 11110 Kingston Pike, Suite 110 violation(s) of the Town of Farragut Code of Ordinance §8-201 et seq.

DISCUSSION:

The Knox County Sheriff's Department performed a beer sting on various businesses within the Town of Farragut on April 21, 2016. During the operation, an employee of El Paraiso sold alcohol to a minor. A copy of the Knox County Citation is attached.

The Farragut Beer Board, per section 8-221, has the power to revoke or suspend El Paraiso's beer permit or per section 8-223, can offer a civil penalty as an alternative to revocation or suspension. With respect to such permittee, the beer board may, at the time it imposes a revocation or suspension, offer the permittee the alternative of paying a civil penalty not to exceed \$2,500 for each offense of making or permitting to be made any sales to minors. The permit holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is not received within seven (7) days the revocation or suspension shall begin eight (8) days after the beer board hearing. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

1. Motion to find El Paraiso guilty OR not guilty of the violation of selling beer to a minor.

If found guilty:

2. Motion to give a penalty of _____ for violation for selling beer to a minor at El Paraiso.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>LAMARCHE</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>POVLIN</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

**TOWN OF FARRAGUT, TENNESSEE
BEER BOARD,**

v.

DAVID BLANCO

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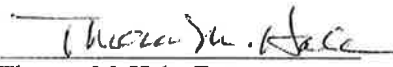
NOTICE OF HEARING

**TO: EL PARAISO
c/o David Blanco or Manager
11110 Kingston Pike Suite 140
Farragut, TN 37934**

You are hereby commanded to appear before the Town of Farragut, Tennessee Beer Board on Thursday, May 12, 2016 at 6:00 P.M. at the Town of Farragut Town Hall located at 11408 Municipal Center Drive, Farragut, Tennessee.

At that place and time, a hearing will take place to address your violation(s) of Town of Farragut Code of Ordinances § 8-201 *et seq.* Specifically, on or about April 20 and 21, 2016 an employee of your business was cited for selling alcohol to a minor in violation of Tenn. Code Ann. § 57-4-203(b) and Farragut Code § 8-220(6). A copy of the citation evidencing this violation is attached as Exhibit A to this Notice. The Town of Farragut, Tennessee Beer Board shall at that time review the facts of this matter and determine what penalty, if any, is appropriate under the circumstances including, but not limited, revocation or suspension of your beer permit, Permit No. 0046, as provided by Town of Farragut Code of Ordinances § 8-223 and/or levying a civil penalty as provided by Town of Farragut Code of Ordinances § 8-224.

This 28th day of April, 2016.


Thomas M. Hale, Esq.
Attorney, Town of Farragut
Kramer Rayson LLP
P.O. Box 629
Knoxville, TN 37901
(865) 525-5134

No. KCO- 120407

☒ STATE OF TENNESSEE T.C.A. CITATION
☐ KNOX COUNTY ORDINANCE CITATION
 COMPLAINT - AFFIDAVIT

1604211682

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

NAME (FIRST) Delmi	(MIDDLE) Lastenia	(LAST) Lagos	DATE OF BIRTH MO. DAY YR. 5 14 83	RACE H	SEX F
ADDRESS			TN RESIDENT? ☒ YES ☐ NO	SEAT BELT? ☐ YES ☐ NO	
CITY Knoxville			STATE TN	ZIP CODE 37912	SOCIAL SECURITY NUMBER none
DRIVER LICENSE NUMBER		CLASS/TYPE LICENSE	STATE	EXPIRATION DATE MO. DAY YR.	TELEPHONE NUMBER (409)-293-0859
PLACE OF EMPLOYMENT El Paraiso, 1110 Kingston Pike #140					

VEHICLE

☐ OWNED ☐ LEASED ☐ CARRIER NAME ADDRESS

DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE:

MAKE	MODEL	YEAR	COLOR	LICENSE PLATE NUMBER	STATE	YEAR
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LOCALE

UPON STREET/HIGHWAY	S.R.#	TRAVEL DIR. ☐ N ☐ S ☐ E ☐ W	M.M.#	CITY/COUNTY	HIGHWAY TYPE ☐ 2-L ☐ 3-L ☐ 4-L ☐ DIV. ☐ I-RO	AREA ☐ BUSINESS ☐ SCHOOL ☐ RES. ☐ RURAL
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VIOLATION

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

☐ SPEEDING _____ MPH IN _____ SPEED LIMIT ☐ ZONE ☐ PACING ☐ RADAR ☐ TRAFFIC CONTROL DEVICE
☐ RECKLESS DRIVING ☐ IMPROPER PASSING ☐ FOLLOWING TOO CLOSELY ☐ PASSING SCHOOL BUS
☐ EQUIPMENT VIOLATION - MOTORCYCLE ☐ EQUIPMENT VIOLATION - AUTOMOBILE ☐ CHILD RESTRAINT ☐ WINDOW TINT
☐ HANDICAPPED PARKING ☐ VIOLATION OF NOISE ORDINANCE
 OTHER: **Sale of alcohol to a minor**
 T.C.A. **57-4-203** ORDINANCE:

NARRATIVE

The defendant did sell a 24oz Corona Extra to an underage minor (less than 21yrs) at the El Paraiso Tienda Hispana, 1110 Kingston Pk.

Reporting date for Booking: May 5th, 2016 at 7³⁰ am at the City and County Building, 400 Main STREET in Knoxville.

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 THE LAW.

THIS 21st DAY OF April 20 16 TIME 2039 ☐ AM ☒ PM Det. Angela Parris 1542
 RANK OFFICER NAME (PRINT) BADGE 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 _____ DAY OF _____ 20 _____

SIGNATURE OF OFFICER JUDGE/CLERK

COURT IN THE ☒ GENERAL SESSIONS COURT OF KNOX COUNTY, KNOXVILLE, TN
☒ JUVENILE COURT

ON _____ THE _____ DAY OF _____ 20 _____ TIME _____

☐ KNOX COUNTY ORDINANCE CITATION
 I UNDERSTAND THE ABOVE CITATION, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

VIOLATOR'S SIGNATURE

x Delmi Lagos

☒ STATE OF TENNESSEE T.C.A. CITATION

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED TO 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 UP TO SIX (6) MONTHS AND/OR A \$50 FINE. I UNDERSTAND THE ABOVE NOTICE, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

DATE

4-21-16

REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Hearing to address Hana Sushi & Hibachi violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq

INTRODUCTION:

The purpose of this agenda item is to address Hana Sushi & Hibachi, 11145 Kingston Pike violation(s) of the Town of Farragut Code of Ordinance §8-201 et seq.

DISCUSSION:

The Knox County Sheriff's Department performed a beer sting on various businesses within the Town of Farragut on April 21, 2016. During the operation, an employee of Hanna Sushi & Hibachi sold alcohol to a minor. A copy of the Knox County Citation is attached.

The Farragut Beer Board, per section 8-221, has the power to revoke or suspend Hana Sushi & Hibachi's beer permit or per section 8-223, can offer a civil penalty as an alternative to revocation or suspension. With respect to such permittee, the beer board may, at the time it imposes a revocation or suspension, offer the permittee the alternative of paying a civil penalty not to exceed \$2,500 for each offense of making or permitting to be made any sales to minors. The permit holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is not received within seven (7) days the revocation or suspension shall begin eight (8) days after the beer board hearing. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

1. Motion to find Hana Sushi & Hibachi guilty OR not guilty of the violation of selling beer to a minor.
If found guilty:
2. Motion to give a penalty of _____ for violation for selling beer to a minor at Hana Sushi & Hibachi.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>LAMARCHE</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>POVLIN</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

**TOWN OF FARRAGUT, TENNESSEE
BEER BOARD,**

v.

CHIH-YUN CHEN

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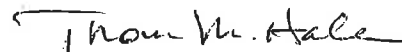
NOTICE OF HEARING

**TO: HANA SUSHI & HIBACHI
c/o Chin-Yun Chen or Manager
11145 Kingston Pike
Farragut, TN 37934**

You are hereby commanded to appear before the Town of Farragut, Tennessee Beer Board on Thursday, May 12, 2016 at 6:00 P.M. at the Town of Farragut Town Hall located at 11408 Municipal Center Drive, Farragut, Tennessee.

At that place and time, a hearing will take place to address your violation(s) of Town of Farragut Code of Ordinances § 8-201 *et seq.* Specifically, on or about April 20 and 21, 2016 an employee of your business was cited for selling alcohol to a minor in violation of Tenn. Code Ann. § 57-4-203(b) and Farragut Code § 8-220(6). A copy of the citation evidencing this violation is attached as Exhibit A to this Notice. The Town of Farragut, Tennessee Beer Board shall at that time review the facts of this matter and determine what penalty, if any, is appropriate under the circumstances including, but not limited, revocation or suspension of your beer permit, Permit No. 0051, as provided by Town of Farragut Code of Ordinances § 8-223 and/or levying a civil penalty as provided by Town of Farragut Code of Ordinances § 8-224.

This 28th day of April, 2016.



Thomas M. Hale, Esq.
Attorney, Town of Farragut
Kramer Rayson LLP
P.O. Box 629
Knoxville, TN 37901
(865) 525-5134

No. KCO- 120409

☒ STATE OF TENNESSEE T.C.A. CITATION
☐ KNOX COUNTY ORDINANCE CITATION
 COMPLAINT - AFFIDAVIT

1604211684

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

VIOLATOR	NAME (FIRST)	(MIDDLE)	(LAST)	DATE OF BIRTH	RACE	SEX
	Victoria	Elise	Hobbs	12/11/97	H	F
	ADDRESS			IN RESIDENT?	SEAT BELT?	
				☒ YES ☐ NO	☐ YES ☐ NO	
	CITY	STATE	ZIP CODE	SOCIAL SECURITY NUMBER		
	Knoxville	TN	37934			
	DRIVER LICENSE NUMBER	CLASS/TYPE LICENSE	STATE	EXPIRATION DATE	TELEPHONE NUMBER	
		D	TN	12/11/18	(865)-291-8011	
	PLACE OF EMPLOYMENT					
	Hana Sushi / Hibachi, 11145 Kingston PK.					

VEHICLE	☐ OWNED ☐ LEASED	NAME	ADDRESS				
	☐ CARRIER						
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	AREA
			☐ N ☐ S ☐ E ☐ W			☐ 2-L ☐ 3-L ☐ 4-L ☐ DIV. ☐ I-RO	☐ BUSINESS ☐ SCHOOL ☐ RES. ☐ RURAL

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

VIOLATION	☐ SPEEDING _____ MPH IN _____ SPEED LIMIT	☐ ZONE	☐ PACING	☐ RADAR	☐ TRAFFIC CONTROL DEVICE
	☐ RECKLESS DRIVING	☐ IMPROPER PASSING	☐ FOLLOWING TOO CLOSELY	☐ PASSING SCHOOL BUS	
	☐ EQUIPMENT VIOLATION - MOTORCYCLE	☐ EQUIPMENT VIOLATION - AUTOMOBILE	☐ CHILD RESTRAINT	☐ WINDOW TINT	
	☐ HANDICAPPED PARKING	☐ VIOLATION OF NOISE ORDINANCE			
	☒ OTHER: <u>sale of alcohol to a minor</u>				
	T.C.A. <u>57-4-203</u>	ORDINANCE:			

NARRATIVE
 The defendant did serve a Bud Light to an underage minor (less than 21yos) at the Hana Sushi / Hibachi, 11145 Kingston PK.
 Report for Booking: May 5th, 2016 at 0730 hours at the City County Building, 400 Main STREET in Knoxville.

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 THE LAW.

THIS 21st DAY OF April 20 16 TIME 2132 ☐ AM ☒ PM Det. Angela Paez 154.
 RANK OFFICER NAME (PRINT) BADGE 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 _____ DAY OF _____ 20 _____

SIGNATURE OF OFFICER

JUDGE/CLERK

COURT IN THE ☒ GENERAL SESSIONS COURT OF KNOX COUNTY, KNOXVILLE, TN
☒ JUVENILE COURT

ON _____ THE _____ DAY OF _____ 20 _____ TIME _____

☐ KNOX COUNTY ORDINANCE CITATION

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

VIOLATOR'S SIGNATURE

Victoria Hobbs

☒ STATE OF TENNESSEE T.C.A. CITATION

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED TO 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 UP TO SIX (6) MONTHS AND/OR A \$50 FINE. I UNDERSTAND THE ABOVE NOTICE, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

DATE

4-21-16

REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Hearing to address Mind Yer P's and Q's violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq

INTRODUCTION:

The purpose of this agenda item is to address Mind Yer P's and Q's, 12744 Kingston Pike, Suite 104 violation(s) of the Town of Farragut Code of Ordinance §8-201 et seq.

DISCUSSION:

The Knox County Sheriff's Department performed a beer sting on various businesses within the Town of Farragut on April 21, 2016. During the operation, an employee of Mind Yer P's and Q's sold alcohol to a minor. A copy of the Knox County Citation is attached.

The Farragut Beer Board, per section 8-221, has the power to revoke or suspend Mind Yer P's and Q's beer permit or per section 8-223, can offer a civil penalty as an alternative to revocation or suspension. With respect to such permittee, the beer board may, at the time it imposes a revocation or suspension, offer the permittee the alternative of paying a civil penalty not to exceed \$2,500 for each offense of making or permitting to be made any sales to minors. The permit holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is not received within seven (7) days the revocation or suspension shall begin eight (8) days after the beer board hearing. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

1. Motion to find Mind Yer P's and Q's guilty OR not guilty of the violation of selling beer to a minor.
If found guilty:
2. Motion to give a penalty of _____ for violation for selling beer to a minor at Mind Yer P's and Q's.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>LAMARCHE</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>POVLIN</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

TOWN OF FARRAGUT, TENNESSEE
BEER BOARD,

v.

MARCI STILES

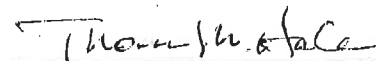
NOTICE OF HEARING

TO: MIND YER P's & Q's
c/o Marci Stiles
12744 Kingston Pike, Suite 104
Farragut, TN 37934

You are hereby commanded to appear before the Town of Farragut, Tennessee Beer Board on Thursday, May 12, 2016 at 6:00 P.M. at the Town of Farragut Town Hall located at 11408 Municipal Center Drive, Farragut, Tennessee.

At that place and time, a hearing will take place to address your violation(s) of Town of Farragut Code of Ordinances § 8-201 *et seq.* Specifically, on or about April 20 and 21, 2016 an employee of your business was cited for selling alcohol to a minor in violation of Tenn. Code Ann. § 57-4-203(b) and Farragut Code § 8-220(6). A copy of the citation evidencing this violation is attached as Exhibit A to this Notice. The Town of Farragut, Tennessee Beer Board shall at that time review the facts of this matter and determine what penalty, if any, is appropriate under the circumstances including, but not limited, revocation or suspension of your beer permit, Permit No. 0039, as provided by Town of Farragut Code of Ordinances § 8-223 and/or levying a civil penalty as provided by Town of Farragut Code of Ordinances § 8-224.

This 28th day of April, 2016.



Thomas M. Hale, Esq.
Attorney, Town of Farragut
Kramer Rayson LLP
P.O. Box 629
Knoxville, TN 37901
(865) 525-5134

Apr. 28. 2016 11:15AM

No. 5237 P. 2

☒ STATE OF TENNESSEE T.C.A. CITATION
☐ KNOX COUNTY ORDINANCE CITATION
 COMPLAINT - AFFIDAVIT

No. KCO- 120405

1604211667

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

VIOLATOR	NAME (FIRST)	(MIDDLE)	(LAST)	DATE OF BIRTH MO DAY YR	RACE	SEX
	Bate	Dalton	Walker	3/11/85	W	M
	ADDRESS			TN RESIDENT?	SEAT BELT?	
				☒ YES ☐ NO	☐ YES ☐ NO	
VEHICLE	CITY	STATE	ZIP CODE	SOCIAL SECURITY NUMBER		
	Knoxville	TN	37932			
	DRIVER LICENSE NUMBER	CLASS/TYPE LICENSE	STATE	EXPIRATION DATE MO DAY YR	TELEPHONE NUMBER	
		ID only	TN	3/11/20	(670)-276-1077	
PLACE OF EMPLOYMENT						
Mind Yer P's! Q's, 12744 Kingston Pike						

VEHICLE	☐ OWNED ☐ LEASED	NAME	ADDRESS				
	☐ CARRIER						
	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-L	AREA ☐ BUSINESS
			☐ N ☐ S ☐ E ☐ W			☐ 3-L ☐ 4-L ☐ DIV. ☐ I-RD	☐ SCHOOL ☐ RES. ☐ RURAL
	AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:						
	☐ SPEEDING _____ MPH IN _____ SPEED LIMIT ☐ ZONE ☐ PACING ☐ RADAR ☐ TRAFFIC CONTROL DEVICE ☐ RECKLESS DRIVING ☐ IMPROPER PASSING ☐ FOLLOWING TOO CLOSELY ☐ PASSING SCHOOL BUS ☐ EQUIPMENT VIOLATION - MOTORCYCLE ☐ EQUIPMENT VIOLATION - AUTOMOBILE ☐ CHILD RESTRAINT ☐ WINDOW TINT ☐ HANDICAPPED PARKING ☐ VIOLATION OF NOISE ORDINANCE ☒ OTHER: Sale of Alcohol to a Minor T.C.A. 57-4-203						

NARRATIVE	AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:						
	☐ SPEEDING _____ MPH IN _____ SPEED LIMIT ☐ ZONE ☐ PACING ☐ RADAR ☐ TRAFFIC CONTROL DEVICE ☐ RECKLESS DRIVING ☐ IMPROPER PASSING ☐ FOLLOWING TOO CLOSELY ☐ PASSING SCHOOL BUS ☐ EQUIPMENT VIOLATION - MOTORCYCLE ☐ EQUIPMENT VIOLATION - AUTOMOBILE ☐ CHILD RESTRAINT ☐ WINDOW TINT ☐ HANDICAPPED PARKING ☐ VIOLATION OF NOISE ORDINANCE ☒ OTHER: Sale of Alcohol to a Minor T.C.A. 57-4-203						
	ORDINANCE:						
	The defendant did serve a Miller Light Draft to an underage minor (21 yoa) at Mind yer P's! Q's, 12744 Kingston Pike.						

OFFICER	Report for Booking: May 5th, 2016 at 7:30 am at the City! County Building, 400 Main STREET in Knoxville						
	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 THE LAW.						
	THIS	21 ST	DAY OF	April	20	16	TIME 1724
							AM ☐ PM ☒
Det. Angela Paden 1502 RANK OFFICER NAME (PRINT) BADGE 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 _____ DAY OF _____ 20 _____							
SIGNATURE OF OFFICER JUDGE/CLERK							

COURT	IN THE	☒ GENERAL SESSIONS COURT OF KNOX COUNTY, KNOXVILLE, TN	☐ JUVENILE COURT
	ON	THE	DAY OF
	20	TIME	

☐ KNOX COUNTY ORDINANCE CITATION
 I UNDERSTAND THE ABOVE CITATION, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

☒ STATE OF TENNESSEE T.C.A. CITATION
 NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED TO 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 UP TO SIX (6) MONTHS AND/OR A \$50 FINE. I UNDERSTAND THE ABOVE NOTICE, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

VIOLATOR'S SIGNATURE

DATE

4-21-16

REPORT TO THE BEER BOARD**PREPARED BY:** Allison Myers, Town Recorder**SUBJECT:** Hearing to address Snappy Tomato violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq**INTRODUCTION:**

The purpose of this agenda item is to address Snappy Tomato, 11507 Kingston Pike violation(s) of the Town of Farragut Code of Ordinance §8-201 et seq.

DISCUSSION:

The Knox County Sheriff's Department performed a beer sting on various businesses within the Town of Farragut on April 21, 2016. During the operation, an employee of Snappy Tomato sold alcohol to a minor. A copy of the Knox County Citation is attached.

The Farragut Beer Board, per section 8-221, has the power to revoke or suspend Snappy Tomato's beer permit or per section 8-223, can offer a civil penalty as an alternative to revocation or suspension. With respect to such permittee, the beer board may, at the time it imposes a revocation or suspension, offer the permittee the alternative of paying a civil penalty not to exceed \$2,500 for each offense of making or permitting to be made any sales to minors. The permit holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is not received within seven (7) days the revocation or suspension shall begin eight (8) days after the beer board hearing. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

1. Motion to find Snappy Tomato guilty OR not guilty of the violation of selling beer to a minor.

If found guilty:

2. Motion to give a penalty of _____ for violation for selling beer to a minor at Snappy Tomato.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>LAMARCHE</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>POVLIN</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

**TOWN OF FARRAGUT, TENNESSEE
BEER BOARD,**

v.

SIMON KROSS

)
)
)
)
)
)

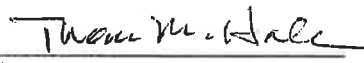
NOTICE OF HEARING

**TO: SNAPPY TOMATO
c/o Simon Kross
11507 Kingston Pike
Farragut, TN 37934**

You are hereby commanded to appear before the Town of Farragut, Tennessee Beer Board on Thursday, May 12, 2016 at 6:00 P.M. at the Town of Farragut Town Hall located at 11408 Municipal Center Drive, Farragut, Tennessee.

At that place and time, a hearing will take place to address your violation(s) of Town of Farragut Code of Ordinances § 8-201 *et seq.* Specifically, on or about April 20 and 21, 2016 an employee of your business was cited for selling alcohol to a minor in violation of Tenn. Code Ann. § 57-4-203(b) and Farragut Code § 8-220(6). A copy of the citation evidencing this violation is attached as Exhibit A to this Notice. The Town of Farragut, Tennessee Beer Board shall at that time review the facts of this matter and determine what penalty, if any, is appropriate under the circumstances including, but not limited, revocation or suspension of your beer permit, Permit No. 0294, as provided by Town of Farragut Code of Ordinances § 8-223 and/or levying a civil penalty as provided by Town of Farragut Code of Ordinances § 8-224.

This 28th day of April, 2016.


Thomas M. Hale, Esq.
Attorney, Town of Farragut
Kramer Rayson LLP
P.O. Box 629
Knoxville, TN 37901
(865) 525-5134

Apr. 28. 2016 11:16AM

No. 5237 P. 6

No. KCO- 120408

☒ STATE OF TENNESSEE T.C.A. CITATION
☐ KNOX COUNTY ORDINANCE CITATION
 COMPLAINT - AFFIDAVIT

1604211683

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

VIOLATOR	NAME (FIRST) <u>Simeon</u> (MIDDLE) <u>Zachariah</u> (LAST) <u>Kross</u>			DATE OF BIRTH <u>2/20/84</u>		RACE <u>W</u>	SEX <u>M</u>
	ADDRESS			TN RESIDENT? ☒ YES ☐ NO		SEAT BELT? ☐ YES ☐ NO	
	CITY <u>Loudon</u>			STATE <u>TN</u>	ZIP CODE <u>37774</u>	SOCIAL SECURITY NUMBER	
	DRIVER LICENSE NUMBER			STATE <u>TN</u>	EXPIRATION DATE <u>2/20/18</u>	TELEPHONE NUMBER <u>(865)-394-4861</u>	
VEHICLE	CLASS/TYPE LICENSE <u>D</u>			PLACE OF EMPLOYMENT <u>Snappy Tomato, 11507 Kingston Pike</u>			
	☐ OWNED ☐ LEASED ☐ CARRIER			NAME			
	DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE:			MAKE			
	MODEL			YEAR			
OFFICER	LOCALE			UPON STREET/HIGHWAY		S.R.#	TRAVEL DIR. ☐ N ☐ S ☐ E ☐ W
	M.M.#			CITY/COUNTY		HIGHWAY TYPE ☐ 2-L ☐ 3-L ☐ 4-L ☐ DIV. ☐ I-RD	
	AREA ☐ BUSINESS ☐ SCHOOL ☐ RES. ☐ RURAL			STATE			
	YEAR			LICENSE PLATE NUMBER			

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

☐ SPEEDING _____ MPH IN _____ SPEED LIMIT ☐ ZONE ☐ PACING ☐ RADAR ☐ TRAFFIC CONTROL DEVICE
☐ RECKLESS DRIVING ☐ IMPROPER PASSING ☐ FOLLOWING TOO CLOSELY ☐ PASSING SCHOOL BUS
☐ EQUIPMENT VIOLATION - MOTORCYCLE ☐ EQUIPMENT VIOLATION - AUTOMOBILE ☐ CHILD RESTRAINT ☐ WINDOW TINT
☐ HANDICAPPED PARKING ☐ VIOLATION OF NOISE ORDINANCE
☒ OTHER: Sale of Alcohol to a minor
 T.C.A. 57-4-203 ORDINANCE:

NARRATIVE
 The defendant served a 12oz Bud Light to an underage minor at the Snappy Tomato Pizza, 11507 Kingston Pike.
 Report for Booking: May 5th, 2016 at 730 am at the City County Building, 400 Main Street in Knoxville

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 THE LAW.

THIS 21st DAY OF April 2016 TIME 2:13 ☐ AM ☒ PM Det. Angela Parro 1542
 RANK OFFICER NAME (PRINT) BADGE 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 _____ DAY OF _____ 20 _____

SIGNATURE OF OFFICER JUDGE/CLERK

COURT IN THE 1st GENERAL SESSIONS COURT OF KNOX COUNTY, KNOXVILLE, TN
2nd JUVENILE COURT ON _____ THE _____ DAY OF _____ 20 _____ TIME _____

☐ KNOX COUNTY ORDINANCE CITATION
 I UNDERSTAND THE ABOVE CITATION, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

☒ STATE OF TENNESSEE T.C.A. CITATION
 NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED TO 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 UP TO SIX (6) MONTHS AND/OR A \$50 FINE. I UNDERSTAND THE ABOVE NOTICE, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

VIOLATOR'S SIGNATURE

DATE

4-21-16

CHAPTER 2. - BEER

FOOTNOTE(S):

--- (2) ---

Editor's note—Ord. No. 14-05, § 1, adopted May 22, 2014, amended the Code by repealing former Ch. 2, §§ 8-201—8-225, and enacting a new chapter as set out herein. Former Ch. 2 pertained to similar content, and derived from Ord. No. 11-24, adopted November 15, 2011.

Sec. 8-201. - Beer board established.

There is hereby established a beer board to be composed of the board of mayor and aldermen.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-202. - Meetings of the beer board.

All meetings of the beer board shall be open to the public. The beer board shall hold regular meetings upon the second and fourth Thursday of each month when there is business to come before the beer board. A special meeting may be called by the chairman, provided reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-203. - Record of beer board proceedings to be kept.

The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-204. - Requirements for beer board quorum and action.

The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-205. - Powers and duties of the beer board.

The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-206. - Definitions.

1. *Applicant* shall mean the person on whose behalf an application for beer permit is filed.
2. *Adequate public notice* shall consist of publication, where possible, of notice of a meeting or hearing scheduled by the beer board, either regular or special, in a newspaper of general circulation within the corporate limits of the Town of Farragut.
3. *Adult entertainment* consists of businesses which either directly or indirectly provide sex-related products and services.
4. *Adult materials* shall consist of any media material with explicit sexual content available to the public.
5. *Beer* means beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than five (5) percent by weight, except wine as defined in Tennessee Code Annotated § 57-3-101; provided, however, that no more than forty-nine (49) percent of the overall alcoholic content of such beverage may be derived from the addition of flavors and other nonbeverage ingredients containing alcohol. Tennessee Code Annotated § 57-5-101.
6. *Beer board* or *board* means that administrative body organized and empowered under the authority of Tennessee Code Annotated § 57-5-106.
7. *Church* means a building or property where a congregation regularly meets at least one (1) day per week for religious worship.
8. *Certified clerk* shall mean a clerk who has successfully satisfied the training requirements contained in this part, or who has received certification from a responsible vendor training program.
9. *Clerk* shall mean any person working in a capability to sell beer directly to consumers for off-premise consumption.
10. *Commission* shall mean the Tennessee Alcoholic Beverage Commission.
11. *Responsible vendor* means a person, corporation or other entity that has been issued a permit to sell beer for off-premise consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated § 57-5-601 et seq.
12. *Responsible Vendor Training Program* shall mean a training program related to the responsible sale of beer for off-premise consumption which has met all the statutory and regulatory requirements set forth in Tennessee Code Annotated § 57-5-601 et seq.
13. *Permit* means any permit issued pursuant to this article.
14. *Permittee* means any person to whom any permit has been issued pursuant to this article.
15. *Person* shall mean any private individual, partnership, joint venture, corporation, and any other business entity or association.
16. *Premise* shall mean the property owned, leased, or controlled by the permittee and so connected with the beer business in which the permittee is engaged as to form a component or integral part of it, including, but not limited to, the building and the parking areas surrounding it. Premise includes all decks, patios and other well-defined outdoor serving and consuming areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business identified in the permit. A permit shall be valid for all decks, patios and other well-defined outdoor serving areas that are contiguous to the exterior of the building in which the business is located, that are operated by the business and only for a business operating under the name identified in the permit.
17. *Restaurant* shall mean a business establishment whose primary business is the sale of prepared food to be consumed on the premise.

18. *Storage* shall mean the storing or possessing of beer or other alcoholic beverages for the purpose of resale by the permit holder.
19. The pronouns *he*, *him* and *his* shall refer to persons of the female as well as the male gender, as applicable.
20. *TABC* shall mean the Tennessee Alcoholic Beverage Commission.
(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-207. - Permit required for engaging in beer business.

- (1) *Permit required.* It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. Each applicant must be a person of good moral character and must certify that he has read and is familiar with the provisions of this chapter. Five (5) types of permits may be issued by the beer board.
 - (a) Class 1 on-premises permit shall be issued for the consumption of beer only on the premises of a restaurant.
 - (b) Class 2 on-premises, other permit. Other establishments making application for a permit to sell beer for consumption on the premises, which do not qualify, or do not wish to apply for, a class 1 on-premises permit, but which otherwise meet all other regulations and restrictions in this chapter, shall apply for a class 2 on-premises permit.
 - (c) Class 3 on-premises hotel/motel, permits for operation as a hotel or motel.
 - (d) Class 4 on-premise tavern, where beer is sold for consumption at a tavern. Tavern shall mean a business establishment whose primary business is or is to be the sale of beer to be consumed on the premises. There shall not be more than a total of three (3) taverns located within the corporate limits of the Town of Farragut.
 - (e) Class 5 off-premises permit.
 - (f) Class 6, special occasion beer permit. The special occasion beer permit request shall be made on such form as the board shall prescribe and/or furnish and shall be accompanied by a non-refundable application fee of one hundred dollars (\$100.00).
 - (1) The beer board is authorized to issue a special occasion beer permit to bona fide charitable or nonprofit organizations for special events.
 - (2) The special occasion beer permit shall not be issued for longer than one (1) forty-eight-hour period, unless otherwise specified by the beer board, subject to the limitations on the hours, imposed by law.
 - (3) The application for the special occasion beer permit shall state whether the applicant is a charitable or nonprofit organization, include documents showing evidence of the type of organization, and state the location of the premise upon which alcoholic beverages shall be served and the purpose for the request of the license.
 - (4) For purposes of this section, *bona fide charitable or nonprofit organization* means any corporation or other legal entity which has been recognized as exempt from federal taxes under section 501(c) of the Internal Revenue Code.
 - (5) No charitable or nonprofit organization possessing a special occasion beer permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law.
 - (6)

Failure of the special occasion permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the Town of Farragut will result in a denial of a special occasion beer permit for the sale of beer for a period of two (2) years.

Permits shall at all times be subject to all of the limitations and restrictions provided under this Code and the laws of the State of Tennessee.

- (2) Permits shall be issued to the owner of the business, whether a person, firm, corporation, joint stock company, syndicate, or association.
- (3) The applicant or a representative must appear in person before the board and subject himself to examination upon any and all questions appertaining to his qualifications under this chapter and amendments thereto. If the applicant fails to appear before the board the permit request will be postponed until the next regularly scheduled beer board meeting.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-208. - Application fees and privilege tax.

- (1) *Application fee.* The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated § 57-5-104(a), shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00), or such larger amount as may be authorized by the laws of the State of Tennessee.
- (2) *Privilege tax.* There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00), or such larger amount as may be authorized by the laws of the State of Tennessee. Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax each successive January 1 to the Town of Farragut, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.

(Ord. No. 14-05, § 1, 5-22-2014)

State law reference— Tennessee Code Annotated § 57-5-104(b).

Sec. 8-209. - Public consumption of alcoholic beverages prohibited.

None of the beverages regulated by this chapter shall be consumed upon any public street, public market not governed by an on-premise permit, alley, boulevard, bridge, nor upon the grounds of any cemetery or public school.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-210. - Police record check.

The town recorder shall submit all applications to the Knox County Sherriff's Office for a records check prior to time of the beer board meeting at which the application will be considered.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-211. - Application—Requirements and conditions.

Each applicant for a beer permit shall be required to complete a formal, written application in a form approved by the beer board. Each applicant must explicitly and affirmatively state all of the following:

1. The owner or owners of such premise.
2. Name of applicant's business and whether the applicant is a person, partnership, corporation, limited liability company or association.
3. Location of premise of the business by street address and tax map and parcel.
4. Telephone number at the location.
5. If beer will be sold at two (2) or more restaurants or other businesses, within the same building as provided by Tennessee Code Annotated § 57-5-103(a)(4), a description of all such businesses.
6. Any firm, corporation, joint stock company, syndicate, partnership, limited liability company or association having at least a five (5) percent ownership in the applicant must provide the names of all owners, stockholders, partners, and members, together with the addresses, telephone numbers, social security numbers and Federal Tax ID numbers of such individuals. If an owner, stockholder, partner or member of the applicant is also a legal entity other than a person. The same information for its owners is required.
7. Identity and address, telephone number, and email address of a representative to receive annual tax notices and other communication from the town.
8. Whether any person, firm, corporation, joint stock companies, syndicate or associations having at least a five-percent ownership interest in the applicant or any person employed in the distribution or sale of beer has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years.
9. Whether the applicant is seeking a permit which would allow the sale of beer for on-premise consumption of beer or for off-premise consumption or both types of consumption.
10. The name, address, and telephone number of the owner of the property where the applicant's business will be located and a copy of the lease governing the applicant's possession of the premises.
11. The application shall authorize a police records check and shall waive any right the applicant may have to privacy concerning arrests reflecting on the moral character of the applicant.
12. That the applicant will not engage in the sale of such beverages except at the place or places for which the beer board has issued a permit or permits to such applicant.
13. That no sales of such beverages will be made except in accordance with the permit granted.
14. The application shall be submitted to the town recorder at least fifteen (15) days prior to the beer board meeting at which it is to be considered.
15. Applications shall at all times be kept on file by the town recorder and shall be open to inspection of the general public within the limits of federal, state and local law, and any person, firm, corporation or association knowingly making any false statement in the application shall forfeit his permit or right to a permit and shall not be eligible to receive any permit for a period of one (1) year thereafter.
16. No applicant for a beer permit for on-premise consumption shall be issued a permit unless the town recorder has obtained approval of the premise from the building inspector and fire marshal, and a background report from the Knox County Sheriff's Office recommending approval.
17. Any other information as may be deemed material and requested by the beer board and/or town staff.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-212. - Reserved.

Sec. 8-213. - Beer permits shall be restrictive.

All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for retail sale of beer may be further restricted so as to authorize sales only for either off-premise or on-premise consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for holder of a permit not to comply with any and all express restrictions or conditions in the permit.

Where an owner operates two (2) or more restaurants or other businesses within the same building, the owner may, in the owner's discretion, operate some or all such businesses pursuant to the same permit.

(Ord. No. 14-05, § 1, 5-22-2014)

State law reference— Tennessee Code Annotated § 57-5-301(a) provides that neither beer permit holders nor persons employed by them may have been "convicted of any violation of the laws against possession, sale, manufacture and transportation of intoxicating liquor or any crime involving moral turpitude" within the previous ten years. Under Tennessee Code Annotated § 57-5-301(b), violations are punishable under state law as a Class A misdemeanor. Under Tennessee Code Annotated § 16-18-302, town courts may only enforce local ordinances that mirror, substantially duplicate or incorporate by reference Class C misdemeanors. Town courts are thus prohibited from enforcing ordinances making violations of Tennessee Code Annotated § 57-5-301(a) a local offense.

Sec. 8-214. - Permits not transferable; permitted locations for consumption.

- (1) The beer permit is only for the owner to whom the permit is issued and cannot be transferred to another owner. If the owner is a corporation, a change in ownership shall occur when control of at least fifty (50) percent of the stock of the corporation is transferred to a new owner.
- (2) The beer permit is only for a single location, except as provided in section 8-213, and cannot be transferred to another location. A permit shall be valid for all decks, patios and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business.
- (3) Notwithstanding any provision of this part to the contrary, when a permittee applies for a new permit based solely upon a change of the name under which the business operates with no change whatsoever in the ownership of the business or the location of its operation, upon completion of the appropriate application form and payment of any required fees, the town recorder shall be authorized to issue the new permit without further review by the beer board.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-215. - Display of permit.

The permit required by this chapter shall be posted in a conspicuous place on the premise.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-216. - Interference with public health, safety, and morals prohibited.

No permit authorizing the sale of beer will be issued when, as determined in the discretion of the board, such business would cause congestion of traffic or would interfere with schools, residences, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals.

In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within three hundred forty (340) feet of any school or church. The distances shall be measured in a straight line from the nearest point on the building from which the beer will be manufactured, stored or sold to the nearest point on the building of the school or church. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school or church if a valid permit had been issued to any business on that same location, unless beer is not sold, distributed or manufactured at that location during any continuous six-month period.

In no event will a permit of any type required by this chapter be issued for use in conjunction with an establishment in which there is permitted:

- (1) Any female to appear or remain on the premise so costumed or dressed that one (1) or both breasts are wholly or substantially exposed to public view. "Wholly or substantially exposed to public view," as it pertains to such exposure shall mean the showing of the female breast with less than a fully opaque covering of any portion of the breast below the top of the nipple.
- (2) Any person to appear or remain upon the premise so costumed or dressed that the pubic hair, anus, or genitals are exposed to public view.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-217. - Issuance of permits to persons convicted of certain crimes prohibited.

No beer permit shall be issued to any person who has been convicted of a crime related to the possession, sale, manufacture, or transportation of intoxicating liquor or illegal drugs, or any crime involving moral turpitude within the past ten (10) years.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-218. - Classes of consumption permits.

Permits issued by the beer board shall consist of five (5) classes:

1. Class 1 on-premises permit.

A class 1 on-premises permit shall be issued for the consumption of beer only on the premises. To qualify for a class 1 on-premises permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter:

- a. Be a restaurant or an eating place regulated, monitored and rated by the State of Tennessee; and
- b. Provide adequate and sanitary kitchen and dining room equipment on the premise; and
- c. The establishment for which a permit for on-premise consumption is sought must sell food prepared for on-premise consumption as a normal, regular and integral part of its everyday activities and such food is available for purchase during the same hours that beer is sold for on-premise consumption; and
- d.

Be able to seat a minimum of fifteen (15) people, including children, in booths and at tables, in addition to any other seating it may have; and

- e. Have all required seating in the interior of the building under a permanent roof; and
- f. To satisfy the requirement that it sell food for on-premise consumption as a normal, regular and integral part of its business, the on-premise permit holder must generate a minimum of sixty (60) percent of the gross revenues of the establishment from food sales. Reporting procedures for establishments holding an on-premise permit are herewith established. Reporting forms shall be provided to establishments holding an on-premise permit and shall detail food sale and alcoholic beverage sale percentages on an annual basis and shall be due on or before June 30. The permit holder will submit copies of all sales tax returns and liquor by the drink returns, with appropriate documentation. These returns shall be subject to audit by the town. Reporting year shall be January 1 through December 31 of the previous year. The town recorder shall keep a record of such compliance and notify the beer board of an establishment which fails to meet the sixty (60) percent ratio.

2. Class 2 on-premises permit, other. Other establishments making application for a permit to sell beer for consumption on the premises, which do not qualify, or do not wish to apply for, a class 1 on-premises permit, but which otherwise meet all other regulations and restrictions in this chapter, shall apply for a class 2 on-premises permit. To qualify for a class 2 on-premises permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter:

- a. On-premise permit holder must generate a minimum of ninety-five (95) percent of the gross revenues of the establishment from sales other than alcoholic beverages. Reporting procedures for establishments holding an on-premise permit are herewith established. Reporting forms shall be provided to establishments holding an on-premise permit and shall detail sales and alcoholic beverage sale percentages on an annual basis and shall be due on or before June 30. The permit holder will submit copies of all sales tax returns with appropriate documentation. These returns shall be subject to audit by the town. Reporting year shall be January 1 through December 31 of the previous year. The town recorder shall keep a record of such compliance and notify the beer board of an establishment which fails to meet the ninety-five (95) percent ratio.

3. Class 3 on-premises hotel/motel permits for operation as a hotel or motel.

If a hotel or motel otherwise meets the requirements of this code and the laws of the State of Tennessee for either on-premise consumption permit or for an off-premise consumption permit, it is eligible to hold two (2) separate permits. All on-premise consumption permits for hotels/motels are subject to the following additional conditions:

- a. The hotel/motel that holds the permit must have fifty (50) or more guest rooms;
- b. The permit holder may only sell beer to guests of the hotel/motel, but only for consumption within the guest room assigned to the guest;
- c. The permit holder may only sell beer at the front desk for the establishment, or through a retail convenience shop that is within the hotel/motel building and that is regularly maintained as such by the motel/motel; and
- d. The total receipts of the hotel/motel resulting from the sale of beer and other alcoholic beverages may not exceed forty (40) percent of the total revenues received by the permit holder hotel/motel.

4. Class 4 on-premise tavern where beer is sold for consumption at a tavern. Tavern shall mean a business establishment whose primary business is or is to be the sale of beer to be consumed on the premises. There shall not be more than a total of three (3) taverns located within the corporate limits of the Town of Farragut. To qualify for a class 4 on-premises permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter:
 - a. Be housed in building space and/or tenant space that does not exceed three thousand (3,000) gross square feet.
 - b. Not make or allow the sale of beer between the hours of 12:00 a.m. and 12:00 p.m. on Sundays, and between 12:00 a.m. and 10:00 a.m. on all other days of the week.
 - c. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within three hundred forty (340) feet of any school or church. The distances shall be measured in a straight line from the nearest point on the building from which the beer will be manufactured, stored or sold to the nearest point on the building of the school or church. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school or church if a valid permit had been issued to any business on that same location, unless beer is not sold, distributed or manufactured at that location during any continuous six-month period.
 - d. Provide throughout with an approved, supervised automatic fire sprinkler system installed in accordance with NFPA 13.

5. Class 5 off-premises permit.

A retailer's "off-premise permit" shall be issued to any person engaged in the sale of beer where the beer is not to be consumed by the purchaser or his guest upon or near the premise of the seller.

6. Class 6 special occasion beer permit.

The special occasion beer permit request shall be made on such form as the board shall prescribe and/or furnish and shall be accompanied by a non-refundable application fee of one hundred dollars (\$100.00).

- a. The beer board is authorized to issue a special occasion beer permit to bona fide charitable or nonprofit organizations for special events.
- b. The special occasion beer permit shall not be issued for longer than one (1) forty-eight-hour period, unless otherwise specified by the beer board, subject to the limitations on the hours, imposed by law.
- c. The application for the special occasion beer permit shall state whether the applicant is a charitable or nonprofit organization, include documents showing evidence of the type of organization, and state the location of the premise upon which alcoholic beverages shall be served and the purpose for the request of the license.
- d. For purposes of this section:
 1. Bona fide charitable or nonprofit organization means any corporation or other legal entity which has been recognized as exempt from federal taxes under section 501(c) of the Internal Revenue Code.
- e. No charitable or nonprofit organization possessing a special occasion beer permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law.

- f. Failure of the special occasion permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the Town of Farragut will result in a denial of a special occasion beer permit for the sale of beer for a period of two (2) years.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-219. - Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer.

The following acts or conduct on licensed premises are deemed contrary to public policy, safety, health and morals and it shall be unlawful for any beer permit holder, employee or person engaged in the sale of beer to:

- (1) Employ any person convicted of a crime related to the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.
- (2) Employ any minor under eighteen (18) years of age in the sale, storage, distribution or manufacture of beer.
- (3) Make or allow the sale of beer between the hours of 3:00 a.m. and 10:00 a.m. on Sundays, and between 3:00 a.m. and 5:00 a.m. on all other days of the week.
- (4) Allow any loud, unusual, or obnoxious noises to emanate from the premise of the beer permit holder.
- (5) Allow any person under twenty-one (21) years of age to loiter in or about the place of business of the beer permit holder.
- (6) Make or allow the sale of beer to a minor under twenty-one (21) years of age.
- (7) Operate or permit any employee or any other person to operate any gambling device or game of chance whatsoever.
- (8) Bring, cause or allow to be brought onto the premises of any permittee any prohibited drugs under the provisions and within the meaning of the Tennessee Code Annotated.
- (9) Fail to provide and maintain separate sanitary toilet facilities for men and women or fail to comply with any state, county or local health laws and regulation.
- (10) Exhibit any motion pictures for which a fee for entrance to the theater is charged.
- (11) Allow the sale of beer in any establishment where adult entertainment occurs or adult materials, novelty or other adult items are sold or stored.
- (12) Employ, use or allow any person in the sale or service of alcoholic beverages or malt beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
- (13) Employ, use or allow the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in subsection [(12)].
- (14) Encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.
- (15) Permit any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

- (16) Allow any person on the licensed premises under the guise of entertainment to perform acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any other sexual acts prohibited by law; engage in the actual or simulated touching, caressing, or fondling of the breasts, buttocks, anus or genitals; engage in the actual or simulated displaying of the pubic hair, anus, buttocks, vulva, genitals, or breasts below the top of the areola of any person; wear or use any device or covering exposed to public view which simulates the human breasts, genitals, anus, pubic hair, or any portion thereof.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-220. - Issuance.

After all inspections have been made and the applicant for a beer permit has met all requirements of this article, after all necessary fees and charges have been paid by the applicant, and after the beer board has determined the applicant has complied with all other requirements contained in this article, the board shall approve the application. Within a reasonable time following final approval of the application, a beer permit shall be issued to the applicant. The permittee shall retain such beer permit for as long as he shall wish to do business at the premise for which it was issued; provided that such permit is not revoked or suspended by the board.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-221. - Revocation or suspension of beer permits.

The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application for failing to take actions required by this chapter or of violating any of the provisions of this chapter, including, but not limited to, the provisions of section 8-220. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the town administrator or member of the beer board.

Pursuant to Tennessee Code Annotated § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premise consumption. Under Tennessee Code Annotated § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve-month period. The revocation shall be for three (3) years.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-222. - Fire and building inspection.

No beer permit of any type shall be issued unless and until the premise to which such permit is applicable have been inspected and have passed the minimum fire and building codes adopted by the town.

The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the premise are found to be in violation of the minimum fire and life safety codes and building codes. No beer permit shall be revoked until a public hearing is held by the beer board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the town administrator, or a member of the beer board.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-223. - Civil penalty in lieu of revocation or suspension.

- A. *Responsible vendor.* The beer board shall not, pursuant to Tennessee Code Annotated § 57-5-608, revoke or suspend the permit of a responsible vendor for a clerk's illegal sale of beer to a minor, if the vendor and the clerk making the sale have complied with the requirements of Tennessee Code Annotated § 57-5-606 as a responsible vendor under that part, but may impose upon the responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any violation of this article or state law. Permanent revocation of beer permits issued to responsible vendors may only be applied when a responsible vendor permittee commits at least two (2) violations within a twelve-month period and then only after the state alcoholic beverage commission revokes the permittee's status as a responsible vendor.
- B. *Non-responsible vendor.* The prohibition of subsection (A) concerning the revocation or suspension of the vendor's permit shall not apply to any vendor who is not a responsible vendor under the Responsible Vendor Act, Tennessee Code Annotated § 57-5-601 et seq., or to a participating vendor, if the vendor or clerk making a sale to a minor fails to comply with the requirements of Tennessee Code Annotated § 57-5-606. With respect to such permittee, the beer board may, at the time it imposes a revocation or suspension, offer the permittee the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.
- C. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is not received within seven (7) days the revocation or suspension shall begin eight (8) days after the beer board hearing. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-224. - Violations.

Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

(Ord. No. 14-05, § 1, 5-22-2014)

AGENDA NUMBER Workshop

MEETING DATE May 12, 2016

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder/Treasurer

SUBJECT: Farragut Business Alliance Workshop

Materials will be available at the workshop.