



**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**

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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.





## **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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# 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.

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Ron Pinchok, Chairman

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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:** \_\_\_\_\_

VOTE/TOTAL	<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 )

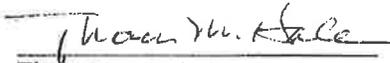
NOTICE OF HEARING

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 28<sup>th</sup> 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

16042/1662

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

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?	
					<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
	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							

VEHICLE	<input type="checkbox"/> OWNED <input type="checkbox"/> LEASED	NAME	ADDRESS			
	<input type="checkbox"/> 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 <input type="checkbox"/> 2-L	AREA <input type="checkbox"/> BUSINESS
			<input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W			<input type="checkbox"/> 3-L <input type="checkbox"/> 4-L <input type="checkbox"/> DIV. <input type="checkbox"/> I-RO	<input type="checkbox"/> SCHOOL <input type="checkbox"/> RES. <input type="checkbox"/> RURAL

VIOLATION

AFORSAID 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 Big Kahuna Wings, 12828 Kingtu Pk.

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 21<sup>ST</sup> DAY OF April 2016 TIME 11:52  AM  PM Det. Angela Parejo 1524

RANK OFFICER NAME (PRINT) BADGE/ID NO.

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

SWORN TO AND SUBSCRIBED BEFORE ME THIS \_\_\_\_\_ 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 [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:** \_\_\_\_\_

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

TOWN OF FARRAGUT, TENNESSEE )  
BEER BOARD, )  
v. )  
BARBARA O'BRIEN )

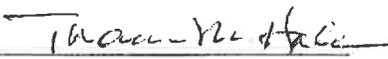
NOTICE OF HEARING

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 28<sup>th</sup> 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

1604201590

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

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

VIOLATOR	NAME (FIRST) Erik	(MIDDLE) Alan	(LAST) Abston	DATE OF BIRTH 9/30/1971	RACE W	SEX M
	ADDRESS			TN RESIDENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	SEAT BELT? <input type="checkbox"/> YES <input type="checkbox"/> NO	
	CITY Lenoir City	STATE TN	ZIP CODE 37772	SOCIAL SECURITY NUMBER		
	DRIVER LICENSE NUMBER	CLASS/TYPE LICENSE D	STATE TN	EXPIRATION DATE 09/30/2019	TELEPHONE NUMBER (865)-385-5133	

PLACE OF EMPLOYMENT  
The Casual Pint, 143 Brooklawn

VEHICLE	<input type="checkbox"/> OWNED <input type="checkbox"/> LEASED	NAME	ADDRESS			
	<input type="checkbox"/> 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. <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	M.M.#	CITY/COUNTY	HIGHWAY TYPE <input type="checkbox"/> 2-L <input type="checkbox"/> 3-L <input type="checkbox"/> 4-L <input type="checkbox"/> DIV. <input type="checkbox"/> I-RO	AREA <input type="checkbox"/> BUSINESS <input type="checkbox"/> SCHOOL <input type="checkbox"/> RES. <input type="checkbox"/> RURAL
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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 Bolder Shake Nitro to an underage minor (under 21 yoa) at the Casual pint, 143 Brooklawn in Farragut.

Report for Booking: May 4, 2016 at 7:30 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 20<sup>th</sup> DAY OF April 20 16 TIME 1937<sup>PM</sup>  AM  PM  
 RANK CAP OFFICER NAME (PRINT) ALLEN MAY BADGE/ID NO. 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 *Allen May* 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 *Erik Abston*

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 4-20-16

No. KCO- 120402

1604201590

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

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

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

VEHICLE	<input type="checkbox"/> OWNED <input type="checkbox"/> LEASED	NAME	ADDRESS				
	<input type="checkbox"/> CARRIER						
DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE:							
MAKE	MODEL	YEAR	COLOR	LICENSE PLATE NUMBER	STATE	YEAR	
LOCALITY	UPON STREET/HIGHWAY	B.R.#	TRAVEL DIR. <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	M.M.#	CITY/COUNTY	HIGHWAY TYPE <input type="checkbox"/> 2-L <input type="checkbox"/> 3-L <input type="checkbox"/> 4-L <input type="checkbox"/> DIV. <input type="checkbox"/> I-RO	AREA <input type="checkbox"/> BUSINESS <input type="checkbox"/> SCHOOL <input type="checkbox"/> RES. <input type="checkbox"/> RURAL

VIOLATION

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

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 yea) 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.

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

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 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* DATE 4-20-16

# 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:** \_\_\_\_\_

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



TOWN OF FARRAGUT, TENNESSEE )  
BEER BOARD, )  
v. )  
MEI LIEN WANG )

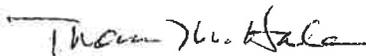
NOTICE OF HEARING

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 28<sup>th</sup> 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

16042/1680

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

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

VIOLATOR	NAME (FIRST) <u>Lily</u>		(MIDDLE) <u>Sien Hwa</u>	(LAST) <u>Sio</u>	DATE OF BIRTH <u>09/09/62</u>	RACE <u>A</u>	SEX <u>F</u>
	ADDRESS				TN RESIDENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	SEAT BELT? <input type="checkbox"/> YES <input type="checkbox"/> NO	
	CITY <u>Knoxville</u>			STATE <u>TN</u>	ZIP CODE <u>37909</u>	SOCIAL SECURITY NUMBER <u>none</u>	
	DRIVER LICENSE NUMBER		CLASS/TYPE LICENSE <u>D</u>		STATE <u>TN</u>	EXPIRATION DATE <u>09/09/19</u>	TELEPHONE NUMBER <u>(805)-257-4962</u>
	PLACE OF EMPLOYMENT <u>China Pearl, 115 Brooklawn St.</u>						

VEHICLE	<input type="checkbox"/> OWNED <input type="checkbox"/> LEASED	NAME	ADDRESS			
	<input type="checkbox"/> 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. <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	M.M.#	CITY/COUNTY	HIGHWAY TYPE <input type="checkbox"/> 2-L <input type="checkbox"/> 3-L <input type="checkbox"/> 4-L <input type="checkbox"/> DIV. <input type="checkbox"/> I-RD	AREA <input type="checkbox"/> BUSINESS <input type="checkbox"/> SCHOOL <input type="checkbox"/> RES. <input type="checkbox"/> RURAL
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VIOLATION	AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:						
	<input type="checkbox"/> SPEEDING	MPH IN	SPEED LIMIT	<input type="checkbox"/> ZONE	<input type="checkbox"/> PACING	<input type="checkbox"/> RADAR	<input type="checkbox"/> TRAFFIC CONTROL DEVICE
	<input type="checkbox"/> RECKLESS DRIVING	<input type="checkbox"/> IMPROPER PASSING	<input type="checkbox"/> FOLLOWING TOO CLOSELY	<input type="checkbox"/> PASSING SCHOOL BUS			
	<input type="checkbox"/> EQUIPMENT VIOLATION - MOTORCYCLE	<input type="checkbox"/> EQUIPMENT VIOLATION - AUTOMOBILE	<input type="checkbox"/> CHILD RESTRAINT	<input type="checkbox"/> WINDOW TINT			
	<input type="checkbox"/> HANDICAPPED PARKING	<input type="checkbox"/> 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 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.

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	<u>21<sup>st</sup></u> DAY OF	<u>April</u>	20	<u>16</u> TIME <u>2:20</u> <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	RANK	OFFICER NAME (PRINT)
							<u>Det. Angela Paris</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.

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 \_\_\_\_\_

<input type="checkbox"/> KNOX COUNTY ORDINANCE CITATION	<input checked="" type="checkbox"/> STATE OF TENNESSEE T.C.A. CITATION
I UNDERSTAND THE ABOVE CITATION AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.	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 <u>[Signature]</u>	DATE <u>4-21-16</u>

# 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

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**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 )

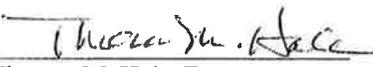
NOTICE OF HEARING

**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 28<sup>th</sup> 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

1604211682

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

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

VIOLATOR	NAME (FIRST) Delmi	(MIDDLE) Lastenia	(LAST) Lagos	DATE OF BIRTH MO. DAY YR. 5 14 83	RACE H	SEX F
	ADDRESS			TN RESIDENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	SEAT BELT? <input type="checkbox"/> YES <input type="checkbox"/> 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	<input type="checkbox"/> OWNED <input type="checkbox"/> LEASED	NAME	ADDRESS			
	<input type="checkbox"/> 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. <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	M.M.#	CITY/COUNTY	HIGHWAY TYPE <input type="checkbox"/> 2-L	AREA <input type="checkbox"/> BUSINESS
						<input type="checkbox"/> 3-L <input type="checkbox"/> 4-L <input type="checkbox"/> DIV. <input type="checkbox"/> I-40	<input type="checkbox"/> SCHOOL <input type="checkbox"/> RES. <input type="checkbox"/> RURAL

VIOLATION	AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:														
	<input type="checkbox"/> SPEEDING _____ MPH IN _____ LIMIT	<input type="checkbox"/> ZONE	<input type="checkbox"/> PACING	<input type="checkbox"/> RADAR	<input type="checkbox"/> TRAFFIC CONTROL DEVICE	<input type="checkbox"/> RECKLESS DRIVING	<input type="checkbox"/> IMPROPER PASSING	<input type="checkbox"/> FOLLOWING TOO CLOSELY	<input type="checkbox"/> PASSING SCHOOL BUS	<input type="checkbox"/> EQUIPMENT VIOLATION - MOTORCYCLE	<input type="checkbox"/> EQUIPMENT VIOLATION - AUTOMOBILE	<input type="checkbox"/> CHILD RESTRAINT	<input type="checkbox"/> WINDOW TINT	<input type="checkbox"/> HANDICAPPED PARKING	<input type="checkbox"/> 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 5<sup>th</sup>, 2016 at 7<sup>30</sup> 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	21 <sup>st</sup>	DAY OF	April	20	16	TIME 2039 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	RANK	Det.	OFFICER NAME (PRINT)	ANGELA PARRIS	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 \_\_\_\_\_

<input type="checkbox"/> KNOX COUNTY ORDINANCE CITATION	<input checked="" type="checkbox"/> STATE OF TENNESSEE T.C.A. CITATION
I UNDERSTAND THE ABOVE CITATION, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.	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 <i>x Delmi Lagos</i>	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 )

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 28<sup>th</sup> 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

1604211684

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

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

VIOLATOR	NAME (FIRST) <u>Victoria</u> (MIDDLE) <u>Elise</u> (LAST) <u>Hobbs</u>		DATE OF BIRTH MO. <u>12</u> DAY <u>11</u> YR. <u>197</u>	RACE <u>H</u>	SEX <u>F</u>	
	ADDRESS		TN RESIDENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	SEAT BELT? <input type="checkbox"/> YES <input type="checkbox"/> NO		
	CITY <u>Knoxville</u>	STATE <u>TN</u>	ZIP CODE <u>37934</u>	SOCIAL SECURITY NUMBER		
	DRIVER LICENSE NUMBER	CLASS/TYPE LICENSE <u>D</u>	STATE <u>TN</u>	EXPIRATION DATE <u>12/11/18</u>	TELEPHONE NUMBER <u>(865)-291-8011</u>	
PLACE OF EMPLOYMENT <u>Hana Sushi &amp; Hibachi, 11145 Kingston Pk.</u>						

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

LOCATE	UPON STREET/HIGHWAY	S.R.#	TRAVEL DIR. <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	M.M.#	CITY/COUNTY	HIGHWAY TYPE <input type="checkbox"/> 2-L <input type="checkbox"/> 3-L <input type="checkbox"/> 4-L <input type="checkbox"/> DIV. <input type="checkbox"/> I-RO	AREA <input type="checkbox"/> BUSINESS <input type="checkbox"/> SCHOOL <input type="checkbox"/> RES. <input type="checkbox"/> RURAL
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AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

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

NARRATIVE

The defendant did serve a Bud Light to an underage minor (less than 21yo) 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 21<sup>st</sup> DAY OF April 2016 TIME 2132  AM  PM Det. Angela Paizis 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.

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 Victoria Hobbs

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:** \_\_\_\_\_

VOTE/TOTAL	<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 )

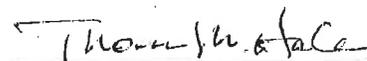
NOTICE OF HEARING

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 28<sup>th</sup> 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

1604211667

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

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

VIOLATOR	NAME (FIRST) <u>Rafe</u>	(MIDDLE) <u>Dalton</u>	(LAST) <u>Walker</u>	DATE OF BIRTH MO <u>3</u> DAY <u>17</u> YR <u>85</u>	RACE <u>W</u>	SEX <u>M</u>
	ADDRESS			TN RESIDENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	SEAT BELT? <input type="checkbox"/> YES <input type="checkbox"/> NO	
	CITY <u>Knoxville</u>	STATE <u>TN</u>	ZIP CODE <u>37932</u>	SOCIAL SECURITY NUMBER		
	DRIVER LICENSE NUMBER	CLASS/TYPE LICENSE <u>ID only</u>	STATE <u>TN</u>	EXPIRATION DATE MO <u>3</u> DAY <u>17</u> YR <u>28</u>	TELEPHONE NUMBER <u>(270)-276-1077</u>	
	PLACE OF EMPLOYMENT <u>Mind Yer P's! Q's, 12744 Kingston Pike</u>					

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

LOCALE	UPON STREET/HRHWAY	S.R.#	TRAVEL DIR. <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	M.M.#	CITY/COUNTY	HIGHWAY TYPE <input type="checkbox"/> 2-L <input type="checkbox"/> 3-L <input type="checkbox"/> 4-L <input type="checkbox"/> DIV. <input type="checkbox"/> I-RD	AREA <input type="checkbox"/> BUSINESS <input type="checkbox"/> SCHOOL <input type="checkbox"/> RES. <input type="checkbox"/> 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 serve a Miller Light Draft to an underage minor (<sup>under</sup> 21 yoa) at Mind yer P's! Q's, 12744 Kingston Pike.

Report for Booking: May 5th, 2016 at 7:30 am at the City! 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 21<sup>ST</sup> DAY OF April 20 16 TIME 1724  AM  PM Det. ANGELA PARRIS  
 RANK OFFICER NAME (PRINT) BADGE/ID NO.

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

SWORN TO AND SUBSCRIBED BEFORE ME THIS \_\_\_\_\_ 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 [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 28<sup>th</sup> 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

1604211683

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

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 NO. <u>2</u> DAY <u>50</u> YR <u>84</u>	RACE <u>W</u>	SEX <u>M</u>
	ADDRESS			IN RESIDENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	SEAT BELT? <input type="checkbox"/> YES <input type="checkbox"/> NO	
	CITY <u>Loudon</u>	STATE <u>TN</u>	ZIP CODE <u>37774</u>	SOCIAL SECURITY NUMBER		
	DRIVER LICENSE NUMBER	CLASS/TYPE LICENSE <u>D</u>	STATE <u>TN</u>	EXPIRATION DATE <u>2/28/18</u>	TELEPHONE NUMBER <u>(865)-394-4861</u>	

PLACE OF EMPLOYMENT  
Snappy Tomato, 11507 Kingston Pike

VEHICLE	<input type="checkbox"/> OWNED <input type="checkbox"/> LEASED	NAME	ADDRESS			
	<input type="checkbox"/> 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. <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	M.M.#	CITY/COUNTY	HIGHWAY TYPE <input type="checkbox"/> 2-L <input type="checkbox"/> 3-L <input type="checkbox"/> 4-L <input type="checkbox"/> DIV. <input type="checkbox"/> I-RD	AREA <input type="checkbox"/> BUSINESS <input type="checkbox"/> SCHOOL <input type="checkbox"/> RES. <input type="checkbox"/> RURAL
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AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

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

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 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<sup>st</sup> DAY OF April 2016 TIME 2:13  AM  PM  
 RANK OFFICER NAME (PRINT) BADGE# NO. Det. Angela Parro 1542

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.  
VIOLATOR'S SIGNATURE [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

## 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

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**Materials will be available at the workshop.**