

**MINUTES OF THE
OAK RIDGE BEER BOARD**
Special Meeting

Municipal Building Courtroom
Tuesday, September 16, 2014
6:00 p.m.

PRESENT: Chairman Randy Tedford, Secretary Bailey, Colin Colverson, Darren Osborne, Theresa Scott, Debra Solmonson, and Wendy Williams

ABSENT: None

ALSO PRESENT: Tammy Dunn, Senior Staff Attorney / Staff Liaison to Board
Alan Massengill, Deputy Chief of Police

AUDIENCE MEMBERS: Michael Foster, Allies for Substance Abuse Prevention
Bob Fowler, Knoxville News Sentinel; John Huotari, Oak Ridge Today; Russell Langley, The Oak Ridger; and other attendees

TRANSCRIPTIONIST: Joan Roberts

ROLL CALL/ATTENDANCE

Chairman Tedford called the meeting to order at 6:00 p.m. All members were present.

SHOW CAUSE HEARINGS

Show Cause Hearing # 2014-06

Ian's Market #32
12 Arkansas Avenue
Class "B" Permit #1464, Approved 10/8/12
Owner: Abdul Rahman Shakoor Jamal
Manager: Akbar Abdul Rahman (10/8/12)

Chairman Tedford called the Show Cause Hearing to order and swore in the following witnesses: Akbar Abdul Rahman, Manager of Ian's Market #32.

Chairman Tedford asked Mr. Rahman if he was challenging the information provided by the Oak Ridge Police Department to the Board regarding the sale of beer to an intoxicated patron. Mr. Rahman stated he was not.

Chairman Tedford read into the record the information provided by the Oak Ridge Police Department to the Board regarding the sale of beer to an intoxicated patron as set forth in the Board's agenda packet. Briefly, the record reflects Mr. Rahman sold beer to an intoxicated patron on July 30, 2014 just prior to 2:20 p.m.

Mr. Rahman read into the record his statement given to the Board, which is part of the Board's agenda packet. Briefly, Mr. Rahman stated he has put into place further preventive measures.

The Board discussed with Deputy Chief Massengill and Officer Higgins some specifics about the traffic stop. Chairman Tedford swore in both witnesses prior to any testimony.

The Board discussed with Mr. Rahman what further preventive measures he has taken to prevent this from occurring in the future. Mr. Rahman stated they will be more careful when checking for intoxication by increasing their interaction with patrons, by talking with patrons more to better assess their condition, and they will not sell beer if they see a reason not to do so.

Deputy Chief Massengill was asked if there were any other issues at this establishment and he stated he was not aware of any.

The Board also discussed the training for employees at the establishment. Additionally, the Board discussed a concern that the witness who called the police saw the patron stumbling across the parking lot of the establishment, but noted that a witness in the parking lot would have a different viewpoint than the manager inside the establishment.

Ms. Scott moved that the establishment had not shown cause as to why the Board should not take any negative action. This motion died for lack of a second.

Mr. Colverson moved, seconded by Ms. Solmonson, that the establishment had shown cause as to why the Board should not take any negative action and the motion carried by a vote of 6-to-1, with Ms. Scott voting against.

This show cause hearing was closed at 6:21 p.m.

Show Cause Hearing # 2014-02

Aubrey's Inc.
481 S. Illinois Avenue
Class "C" Permit #1463 Approved 10/8/12
Owner: Aubrey Burleson
Managers: Aubrey Burleson and Kathryn Jenkins (3/10/14)

Chairman Tedford called the Show Cause Hearing to order and swore in the following witnesses: Aubrey Burleson, Tony Hughlet, Kathryn Jenkins, Danielle Farmer, Justin Green, and Mark Liggett. Aubrey's was represented by legal counsel George Buxton.

Chairman Tedford noted Aubrey's has agreed to stipulate to the information provided by the Oak Ridge Police Department to the Board regarding the separate incidents of DUI and public intoxication by employees of Aubrey's and Mr. Buxton stated they did agree to stipulate that the information is what the officers were told, but that they disagreed that the information provided by the arrested persons was accurate.

Chairman Tedford read into the record the information provided by the Oak Ridge Police Department to the Board regarding the sale of beer to an intoxicated patron as set forth in the Board's agenda packet. Briefly, the record reflects an employee was arrested for DUI at approximately 2:12 a.m. and admitted to the officer she had a beer at Aubrey's, and another employee was arrested for public intoxication at approximately 11:40 p.m. and admitted to drinking at Aubrey's after he got off work.

Mr. Buxton entered into the record two affidavits of Mr. Liggett regarding the incidents. Mr. Liggett explained how their system worked to better understand the printouts attached to the affidavits.

Mr. Burleson explained when the employee (who was arrested for DUI) ended her shift and consumed beer. He noted there is a gap of two hours from the time she left the premises of Aubrey's until she was arrested. He also noted the beer bottles found in her vehicle are not sold by Aubrey's. He also noted this employee had been a good ambassador for the other employees regarding proper identification of patrons to ensure underage sales do not occur. He stated though that the employee did not return to work shortly after this incident and was terminated for failing to come to work.

Ms. Farmer explained the interaction with the employee charged with public intoxication. She stated he had one drink that evening but did not seem to be acting himself after he returned from smoking a cigarette so his beer was taken from him and he was offered a ride home. She stated he did not seem intoxicated (no slurred speech) but was meaner. She stated he refused the ride home and walked off. Mr. Buxton stated this employee's shift ended at 3:30, not 11:30 as he told the officer. Mr. Burleson stated the employee had some drinks when his shift ended, left, and came back later that evening. He stated the employee did not return to work shortly after this incident and was terminated for failing to come to work.

Mr. Burleson stated he is aware of some establishments that will not let their employees consume beer/alcohol as patrons. He stated he is of the opposite opinion and allows it because they can keep a good watch on them, know their demeanors, and will always offer them rides home if needed.

Mr. Burleson noted bartenders and servers are in a difficult position. They are unaware of what patrons have done prior to entering the premises, such as other drinks or taking pills. All servers are ABC certified and interact with guests to determine their condition. He stated it is a tough job and a manager is always on duty to assist. He also noted they have instituted mystery shoppers to make sure employees are properly ID'ing patrons and has had three employees fail, who were then given a weekend suspension to think about the ID policy. He stated Aubrey's is about 15-20% alcohol sales, and that he has other businesses that are higher, but that he can only remember one other incident of an employee being charged with DUI in his 20 years of experience.

Ms. Williams pointed out that Aubrey's passed the minor compliance check conducted by the ABC in June 2014.

Secretary Bailey moved, seconded by Ms. Scott, that the establishment had shown cause as to why the Board should not take any negative action and the motion carried unanimously. [Note – practically all, if not all, members seconded this motion as well.]

This show cause hearing was closed at 6:45 p.m. and a ten minute break was taken by the Board.

Show Cause Hearing # 2014-03

Back to Brewski's
144 Randolph Road
Class "C" Permit #1457 Approved 7/9/12
Owner: Nang Crossno
Managers: Nang Crossno and Wanda Reagan (7/9/12)

Chairman Tedford called the Show Cause Hearing to order and swore in the following witnesses: Nang Crossno, Wanda Reagan, Dondie Jai, Deputy Chief Massengill, and Officer Wallace.

Chairman Tedford asked Mr. Crossno if he was challenging the information provided by the Oak Ridge Police Department to the Board regarding the sale of beer to an intoxicated patron. Mr. Crossno stated he was not.

Chairman Tedford read into the record the information provided by the Oak Ridge Police Department to the Board regarding the sale of beer to an intoxicated patron as set forth in the Board's agenda packet. Briefly, the record reflects a patron of Brewski's was arrested for DUI (.13 BAC) after leaving the premises.

Chairman Tedford stated he has seen many different levels of intoxication during his 42 years in law enforcement. He also noted the patron in this case has not yet entered a plea and the case has not been adjudicated. He stated he was impressed with a particular part of Mr. Crossno's written response to the Board and asked him to explain it.

Mr. Crossno stated it is not easy to always determine how a patron will react to a drink since it is unknown what the patron had done prior to arriving, and that alcohol affects people differently based on size, weight, food, and other factors. He stated he personally interviewed the patron about his activities that evening. Mr. Crossno stated their training has shown signs of intoxication show up later, but that the establishment does converse with patrons to determine their demeanor. He also stated there is a person at the door to ensure patrons are at least 21 to enter and the person at the door also makes a determination of the patron's demeanor. They walk around the establishment to check on patrons, but they never know a patron's history or if the person took any pills that would affect them. Mr. Crossno stated the patron is a regular and that he has not had any problems with him.

The Board has a discussion regarding blood alcohol levels and how quickly/slowly a person's BAC returns to zero.

Mr. Crossno informed the Board he has recently agreed to host ABC server classes with Pouncey Partners every other week beginning October 4th, which will allow his employees to obtain refresher courses.

Deputy Chief Massengill was asked about any other activity at this location and he stated there is one report of a DUI but he had not had the chance to review it in depth.

Ms. Scott moved, seconded by Mr. Colverson, that the establishment had shown cause as to why the Board should not take any negative action and the motion carried unanimously.

Ms. Scott noted to Mr. Crossno that he has improved and done well. Mr. Osborne noted to Mr. Crossno the need to continue to keep a good track record and keep improving since this was one of the few 21 and over establishments for young adults.

ADJOURNMENT

The meeting adjourned at 7:20 p.m. at the conclusion of the last show cause hearing

Respectfully submitted,

Barton Bailey, Secretary
(Signature on official document in City Clerk's Office)