City of Franklin

109 3rd Ave S
Franklin, TN 37064
(615)791-3217

Meeting Agenda

Beer Board

Tuesday, November 11, 2014 | **3:30 PM** | **Board Room**

SPECIAL HEARING MEETING

1. 14-631 Consider beer permit revocation or suspension of the following beer permit:
Mapco Express 3340; Mapco Express Inc., 1100 Hillsboro Road.
Permit # 01-17; Managing Agent Tony Miller

Attachments: Mapco Express #3340 Violation.pdf

2. 14-632 Consideration of beer permit revocation or suspension of the following beer permit:
TGI Friday's #62578, Southeast Restaurant Group - TM, L.L. C. 520 Cool Springs Blvd;
Permit # 14-40, Managing Agent Donald Beane

Attachments: TGI Fridays Violation.pdf

3. 14-633 Consideration of beer permit revocation or suspension of the following beer permit:
Mickey Roo's, Guzman, Inc.; 509 Hillsboro Road
Permit # 05-41; Managing Agent Albert Boldin

Attachments: Mickey Roos Violation.pdf

Other Business

Adjournment

ANYONE REQUESTING ACCOMODATIONS DUE TO DISABILITES SHOULD CONTACT A.D.A. COORDINATOR, AT 550-5721 AT LEAST 10 DAYS PRIOR TO THE MEETING, IF POSSIBLE.

BEFORE THE BEER BOARD OF THE CITY OF FRANKLIN, TENNESSEE

IN THE MATTER OF	)	
	)	
Mapco Express #3340	)	
1100 Hillsboro Road	)	
Franklin, TN 37064	)	**CASE NO. 14-07**
	)	
BEER PERMIT NO. 01-17	)	
	)	

NOTICE OF VIOLATION AND ORDER TO SHOW CAUSE

PERMITTEE/OWNER

Mapco Express #3340
c/o Tony Miller
1100 Hillsboro Road
Franklin, Tennessee 37064

COPY TO: Managing Agent

Mapco Express #3340
c/o Tony Miller
1100 Hillsboro Road
Franklin, Tennessee 37064

Pursuant to Section 8-226 of the Franklin Municipal Code, and the Beer Board having reason to believe that the above permit holder has violated the provisions of the State Beer law and the ordinances of the City of Franklin, you are hereby notified to appear before the Franklin Beer Board on **Tuesday, November 11, 2014 at 3:30 p.m. in the City Hall Training Room at the City of Franklin City Hall (109 Third Avenue South, Franklin, Tennessee),** and show cause why your license should not be suspended or revoked for such violation. The violation charged is the making or allowing of the **sale of beer to a person under twenty one (21) years of age,** in violation of T.C.A. §57-5-301 and Section 8-226 (5) of the Franklin Municipal Code. The incident upon which this citation is based occurred on September 23, 2013, in Franklin, Tennessee.

The Chairman of the Beer Board is authorized to compel the attendance of witnesses by subpoena issued by the Clerk of the City Court. At the hearing, the Board will hear evidence both in support of the charges and on behalf of the permittee. The City intends to present the following facts into evidence:

> On September 23, 2013, using a confidential informant, an individual under the age of twenty-one (21) years of age, the Franklin Police Department visited several businesses including the above-referenced establishment. The confidential informant approached the sales counter of the permittee to purchase beer. At this time, Matthew David Wood, an employee of the permittee, sold beer to the confidential informant, a person under twenty-one (21) years of age. The said employee requested identification from the purchaser prior to making the sale. A citation was issued to the employee. The employee's in the general sessions court of Williamson County was retired upon payment of a $250 contribution to Mothers Against Drunk Driving on May 19, 2014.

City staff has prepared Joint Stipulations of Fact setting forth the above facts taken from Franklin Police and court records. You may sign them if you are in agreement. Stipulations allow the Beer Board to understand what facts are in agreement. Should you wish to stipulate to the facts as presented, the hearing will focus solely on any defense or mitigating factors that you deem appropriate to present to the Beer Board at the hearing for the purpose of penalty. If you disagree with the facts above, please notify Kristen Corn, Staff Attorney, at 615-550-6603 at least three (3) days before the hearing. You may request the issuance of subpoenas for any witness, examine City records prior to the hearing concerning the alleged violation, and appear personally, with legal counsel if you desire, to contest the charges, cross-examine witnesses, and generally make whatever defense you believe appropriate. Please note that it is **improper** to contact the members of the Beer Board prior to the hearing.

After the hearing, if the charges are sustained by the evidence, the Board has the discretion to revoke or suspend your permit, issue a reprimand, and to impose conditions upon your permit such as probation, to deter future violations. The Board also has the option, in lieu of taking such action, of offering the permit holder the option of paying a civil penalty, not to exceed $1,500.00. However, if you are certified as a Responsible Vendor by the Tennessee Alcoholic Beverage Commission, the maximum penalty for a first offense is a civil penalty not to exceed $1,000.00. **If you are a certified Responsible Vendor, you are required to submit proof of such certification to the Beer Board no later than five (5) days prior to the hearing.**

To request accommodations due to disabilities, or should you need an interpreter, please contact the Risk Department at (615) 791-3277.

ISSUED: November 3, 2014

Margaret Martin

Margaret Martin, Alderman
Chairman

cc: Beer Board Members
Staff Attorney, Kristen Corn
J. Lawrence Sullivan, Board Administrator
Police Chief Deborah Faulkner

I HAVE SERVED A COPY OF THIS NOTICE ON THE PERMIT HOLDER/ OWNER BY HAND-DELIVERY ON 11-2, 2014.

Ben Jones

FRANKLIN POLICE OFFICER

Received by: Zach Hightower
(Print Name)

Signature:

BEFORE THE BEER BOARD OF THE CITY OF FRANKLIN, TENNESSEE

IN THE MATTER OF	)	
	)	
Mapco Express #3340	)	
1100 Hillsboro Road	)	
Franklin, TN 37064	)	**CASE NO. 14-07**
	)	
BEER PERMIT NO. 01-17	)	
	)	

JOINT STIPULATIONS OF FACT

The permittee and the City, as evidenced by signatures below, agree that the following statements of fact shall be considered undisputed for the purposes of the hearing before the City of Franklin Beer Board.

1. On September 23, 2013, using a confidential informant, an individual under the age of twenty-one (21) years of age, the Franklin Police Department visited several businesses including the above-referenced establishment.
2. The confidential informant approached the sales counter of the permittee to purchase beer. At this time, Matthew David Wood, an employee of the permittee, sold beer to the confidential informant, a person under twenty-one (21) years of age.
3. The said employee requested identification from the purchaser prior to making the sale. A citation was issued to the employee.
4. A citation was issued to the employee for sale of alcohol to a minor. A copy of this citation is attached as Exhibit A.
5. The employee's in the general sessions court of Williamson County was retired upon payment of a $250 contribution to Mothers Against Drunk Driving on May 19, 2014. A copy of the final order is attached as Exhibit B.

AGREED TO:

By: _____
Kristen L. Corn
Staff Attorney
City of Franklin, Tennessee
109 3rd Avenue South
Franklin, Tennessee 37064

By: _____
Print name: _____
Title: _____
Mapco Express #3340
1100 Hillsboro Road
Franklin, Tennessee 37064

STATE OF TENNESSEE UNIFORM CITATION

176712

COMPLAINT - AFFIDAVIT

COMPLAINT #	AGENCY	I.D. NO.
201800 3238	Franklin Police Dept.	TN0940100

VIOLATOR

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

NAME (FIRST) (MIDDLE) (LAST) DATE OF BIRTH

[redacted]

VEHICLE

☐ OWNED ☐ LEASED ☐ CARRIER | NAME | ADDRESS | ☐ MC ☐ CMV ☐ HAZ MAT ☐ ACCIDENT

DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE:

MAKE	MODEL	YEAR	COLOR	LICENSE PLATE NUMBER	STATE	YEAR

LOCALE

UPON STREET/HIGHWAY AT OR NEAR	TRAVEL DIR.	CITY/COUNTY	HIGHWAY TYPE	AREA
1100 Hillsboro Rd (Mapco)	☐N ☐S ☐E ☐W	Franklin, TN	☐2-L ☐E-L ☐4-L ☐DIV. ☐1-RD	☐BUSINESS ☐SCHOOL ☐RES. ☐RURAL

VIOLATOR

A FORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

01 ☐ SPEEDING_____ MPH IN _____ SPEED LIMIT ☐ ZONE ☐ PACING ☐ RADAR ☐ OTHER ☐ FAILURE TO YIELD

02 ☐ RECKLESS DRIVING 20 ☐ DUI BAC _____ 103 ☐ REGISTRATION LAW ☐ IMPROPER TURN

03 ☐ TRAFFIC CONTROL DEVICE 22 ☐ REV/SUS/CAN DL 393 ☐ CHILD RESTRAINT ☐ IMPROPER PASSING

☐☐☐ OTHER

T.C.A. 57-4-203 ORDINANCE:

NARRATIVE

* Alcohol to minor Sell

The above Subject Sold beer to a minor after checking the ID of said Subject.

* Subpeona Ofc. Jeff Carson, Andrea Clark FPD

OFFICER

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

THIS 23rd DAY OF Sept 20 13 TIME ~~5:45~~ 5:58 ☐ AM ☒ PM

Ofc. B. Sandrell 0875

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 24 DAY Sept 20 13

SIGNATURE OF OFFICER JUDGE/CLERK

COURT

IN THE ☒ 1 GENERAL SESSIONS COURT OF Williamson COUNTY NO. 911

☐ 2 JUVENILE COURT

☐ 3 FRANKLIN CITY COURT IN THE CITY OF Franklin NO. 03

ON Thur THE 10 DAY OF OCT 20 13 TIME 1:00 ☐ AM ☒ PM

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.

[redacted]

COURT COPY

Exhibit A

[redacted]

COPY

General Sessions Retirement Order

Pursuant to agreement between the State and Defendant, the charge of Sale of Alcohol to a Minor in the above referenced matter is to be retired for a period of 11 mos 29 days. The retirement is conditioned upon the following:

1. Pay a $250.00 contribution to MADD
2. Complete 20 hours of community service work
3. incur no new charges

This case is to be set for review on the following date(s):
05/05/2015

✓ Defendant Need **Not** Appear if proof of compliance is in the file
Defendant **MUST** Appear on the following review dates:

Agreed to by:

District Attorney

[redacted]

Defendant

Defense Attorney

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED.

ENTERED this the 13 day of May, 2014.

General Sessions Judge

Waiver of Counsel

The defendant after being fully advised of his/her right to the aid of counsel in every state of the proceedings, and further having been advised that if indigent an attorney will be appointed to represent the defendant, hereby waives his/her right to counsel.

Defendant

General Sessions Judge

[redacted]

BEFORE THE BEER BOARD OF THE CITY OF FRANKLIN, TENNESSEE

IN THE MATTER OF	)	
	)	
TGI Friday's #62578	)	
520 Cool Springs Blvd.	)	
Franklin, TN 37064	)	**CASE NO. 14-08**
	)	
BEER PERMIT NO. 14-40	)	
	)	

NOTICE OF VIOLATION AND ORDER TO SHOW CAUSE

PERMITTEE/OWNER

TGI Friday's #62578
c/o Southeast Restaurant Group-TM LLC
520 Cool Springs Blvd
Franklin, Tennessee 37064

COPY TO: Managing Agent

TGI Friday's #62578
c/o Donald Beane
520 Cool Springs Blvd
Franklin, Tennessee 37064

Pursuant to Section 8-226 of the Franklin Municipal Code, and the Beer Board having reason to believe that the above permit holder has violated the provisions of the State Beer law and the ordinances of the City of Franklin, you are hereby notified to appear before the Franklin Beer Board on **Tuesday, November 11, 2014 at 3:30 p.m. in the City Hall Training Room at the City of Franklin City Hall (109 Third Avenue South, Franklin, Tennessee),** and show cause why your license should not be suspended or revoked for such violation. The violation charged is the making or allowing of the **sale of beer to a person under twenty one (21) years of age,** in violation of T.C.A. §57-5-301 and Section 8-226 (5) of the Franklin Municipal Code. The incident upon which this citation is based occurred on February 28, 2014, in Franklin, Tennessee.

The Chairman of the Beer Board is authorized to compel the attendance of witnesses by subpoena issued by the Clerk of the City Court. At the hearing, the Board will hear evidence both in support of the charges and on behalf of the permittee. The City intends to present the following facts into evidence:

> On February 28, 2014, using two confidential informants, individuals under the age of twenty-one (21) years of age, the Franklin Police Department visited several businesses including the above-referenced establishment. The confidential informants approached a bartender of the permittee to purchase beer. At this time, Erik Mitchell, an employee of the permittee, sold beer to the confidential informants. A citation was issued to the employee. The employee was found in the general sessions court of Williamson County to be guilty of sale of alcohol to minor on August 26, 2014.

City staff has prepared Joint Stipulations of Fact setting forth the above facts taken from Franklin

Police and court records. You may sign them if you are in agreement. Stipulations allow the Beer Board to understand what facts are in agreement. Should you wish to stipulate to the facts as presented, the hearing will focus solely on any defense or mitigating factors that you deem appropriate to present to the Beer Board at the hearing for the purpose of penalty. If you disagree with the facts above, please notify Kristen Corn, Staff Attorney, at 615-550-6603 at least three (3) days before the hearing. You may request the issuance of subpoenas for any witness, examine City records prior to the hearing concerning the alleged violation, and appear personally, with legal counsel if you desire, to contest the charges, cross-examine witnesses, and generally make whatever defense you believe appropriate. Please note that it is **improper** to contact the members of the Beer Board prior to the hearing.

After the hearing, if the charges are sustained by the evidence, the Board has the discretion to revoke or suspend your permit, issue a reprimand, and to impose conditions upon your permit such as probation, to deter future violations. The Board also has the option, in lieu of taking such action, of offering the permit holder the option of paying a civil penalty, not to exceed $1,500.00. However, if you are certified as a Responsible Vendor by the Tennessee Alcoholic Beverage Commission, the maximum penalty for a first offense is a civil penalty not to exceed $1,000.00. **If you are a certified Responsible Vendor, you are required to submit proof of such certification to the Beer Board no later than five (5) days prior to the hearing.**

To request accommodations due to disabilities, or should you need an interpreter, please contact the Risk Department at (615) 791-3277.

ISSUED: November 3, 2014

Margaret Martin

Margaret Martin, Alderman
Chairman

cc: Beer Board Members
Staff Attorney, Kristen Corn
J. Lawrence Sullivan, Board Administrator
Police Chief Deborah Faulkner

I HAVE SERVED A COPY OF THIS NOTICE ON THE PERMIT HOLDER/ OWNER BY HAND-DELIVERY ON 11-24, 2014.

Ben Jones

FRANKLIN POLICE OFFICER

Received by: Selena Nave
(Print Name)

Signature: Selena Nave

BEFORE THE BEER BOARD OF THE CITY OF FRANKLIN, TENNESSEE

IN THE MATTER OF	)	
	)	
TGI Friday's #62578	)	
520 Cool Springs Blvd.	)	
Franklin, TN 37064	)	**CASE NO. 14-08**
	)	
BEER PERMIT NO. 14-40	)	
	)	

JOINT STIPULATIONS OF FACT

The permittee and the City, as evidenced by signatures below, agree that the following statements of fact shall be considered undisputed for the purposes of the hearing before the City of Franklin Beer Board.

1. On February 28, 2014, using two confidential informants, individuals under the age of twenty-one (21) years of age, the Franklin Police Department visited several businesses including the above-referenced establishment.
2. The confidential informants approached a bartender of the permittee to purchase beer.
3. At this time, Erik Mitchell, an employee of the permittee, sold beer to the confidential informants.
4. A citation was issued to the employee. A copy of the citation is attached as Exhibit A.
5. The employee was found in the general sessions court of Williamson County to be guilty of sale of alcohol to minor on August 26, 2014. A copy of the final judgment is attached as Exhibit B.

AGREED TO:

By: _____
Kristen L. Corn
Staff Attorney
City of Franklin, Tennessee
109 3rd Avenue South
Franklin, Tennessee 37064

By: _____
Print name: _____
Title: _____
TGI Friday's #62578
520 Cool Springs Blvd
Franklin, Tennessee 37064

STATE OF TENNESSEE UNIFORM CITATION

183501

COMPLAINT - AFFIDAVIT

COMPLAINT #	AGENCY	I.D. NO.
2014000701	Franklin Police Dept.	TN0940100

VIOLATOR

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

NAME (FIRST) (MIDDLE) (LAST) DATE OF BIRTH

[redacted]

ADDR

CITY

DRIVE

VEHICLE

☐ OW

☐ CARRIER

☐ ACCIDENT MAT

DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE:

MAKE	MODEL	YEAR	COLOR	LICENSE PLATE NUMBER	STATE	YEAR

LOCALE

UPON STREET/HIGHWAY AT OR NEAR	TRAVEL DIR.	CITY/COUNTY	HIGHWAY TYPE	AREA
520 Cool Springs Blvd.	☐N ☐S ☐E ☐W	Franklin, TN	☐E-L ☐4-L ☐DIV. ☐2-L ☐1-RD	☒BUSINESS ☐SCHOOL ☐RES. ☐RURAL

VIOLATOR

A FORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

01 ☐ SPEEDING _____ MPH IN _____ SPEED LIMIT ☐ ZONE ☐ PACING ☐ RADAR ☐ OTHER ☐ FAILURE TO YIELD

02 ☐ RECKLESS DRIVING 20 ☐ DUI BAC _____ 103 ☐ REGISTRATION LAW ☐ IMPROPER TURN

03 ☐ TRAFFIC CONTROL DEVICE 22 ☐ REV/SUS/CAN DL 393 ☐ CHILD RESTRAINT ☐ IMPROPER PASSING

☐☐☐ OTHER

T.C.A. 57-4-203 ORDINANCE:

NARRATIVE

Sale of Alcohol to Minor ~~(cont'd)~~

- The above named served alcohol to 2 minors at the bar area of TGI Friday's

OFFICER

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

THIS 28 DAY OF February 20 14 TIME 1925 ☐ AM ☒ PM

Ofc.	J. Carson	0944
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 28th DAY February 20 14

SIGNATURE OF OFFICER

Tammy Sides
JUDGE/CLERK

COURT

IN THE 1 ☒ GENERAL SESSIONS COURT OF Williamson COUNTY NO. 14

2 ☐ JUVENILE COURT

3 ☐ FRANKLIN CITY COURT

IN THE CITY OF Franklin NO. 03

ON Thurs THE 13th DAY OF March 20 14 TIME 1:00 ☐ AM ☒ PM

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 SIG [redacted]

[redacted]

State of Tenne[redacted]

Court fil[redacted]

WAIVER OF COUNSEL

he defendant, after being duly fully advised of his/her ight to the aid of counsel in every stage of the roceedings, and further having been advised that if [redacted]

[redacted]

WAIVER OF INDICTMENT & TRIAL BY JURY

The defendant after being fully advised of his/her rights by the court, waives his/her rights to indictment or presentment by the Grand Jury and to trial by jury and demands trial by this Court and pleads

[redacted] guilty to the charge.

[redacted]

Judge Court of General Sessions

JURISDICTIONAL WAIVER

After being duly advised, defendant hereby waives the Constitutional limit of a fifty dollar maximum fine in cases not tried before a jury and submits likewise to the limits otherwise provided by law.

[redacted]

Defendant

Judge Court of General Sessions

WAIVER OF PRELIMINARY HEARING

The defendant after being fully advised of his/her rights by the Court, waives his/her rights to a preliminary hearing for a determination of probable cause to bind his/her case to the next Grand Jury. Defendant demands to have his/her case bound over directly to the next Williamson County Grand Jury, without benefit of preliminary hearing.

Defendant

Judge Court of General Sessions

WAIVER OF TEN-DAY RULE

After being duly advised, defendant waives the right to hearing within 10 days.

Defendant Date

Judge Court of General Sessions

1. Plea: Guilty ☐ Not Guilty ☐ COPY
Best Interest ☐ Nolo Contendre ☐
Conditional Guilty Plea – 40.35.313 ☒

2. Charge Amended to: _____

3. Judgment:
- ☐ The Defendant is found to be not guilty.
- ☒ The Defendant is found to be guilty of the offense of Sale of Alcohol to Minor
- ☐ Nolle Prosequi entered by the prosecutor.
- ☐ Case dismissed at the request of _____.
- ☐ Case retired.

4. Sentence:
- ☒ Fine: $ 100.00 and Cost: X.
- ☐ Workhouse _____ months _____ days.
- ☐ @ _____%.
- ☐ Sentence suspended except for service of _____ days.
- ☐ Driving privilege suspended for _____.
- ☐ Restricted license eligible.
- ☐ Attend Safe Driving School _____ Alcohol Safety School _____ Alcohol Treatment _____.
- ☒ Probation for 11 months 29 days.
- ☒ Condition of Probation:
  1. Supervised
  2. _____
  3. _____
  4. _____
  5. _____
  6. _____
  7. _____
  8. _____
  9. _____
  10. _____
- ☐ Public Service for _____ hours.

5. Case of Preliminary Hearing:
- ☐ Preliminary Hearing waived.
- ☐ Preliminary hearing conducted. Bound over Williamson County Grand Jury.
- ☐ No probable cause found.
- ☐ Bond: $_____
  Conditions _____

[redacted]

Judge Court of General Sessions

Date of Final Disposition 4-26-14

Defense Attorney: Pro se

☐ Appointed ☐ Retained

Revised on 11-16-12

BEFORE THE BEER BOARD OF THE CITY OF FRANKLIN, TENNESSEE

IN THE MATTER OF	)	
	)	
Mickey Roos	)	
509 Hillsboro Road	)	
Franklin, TN 37064	)	**CASE NO. 14-09**
	)	
BEER PERMIT NO. 05-41	)	
	)	

NOTICE OF VIOLATION AND ORDER TO SHOW CAUSE

PERMITTEE/OWNER

Mickey Roos
c/o Guzman Inc.
509 Hillsboro Road
Franklin, Tennessee 37064

COPY TO: Managing Agent

Mickey Roos
c/o Albert Boldin
509 Hillsboro Road
Franklin, Tennessee 37064

Pursuant to Section 8-226 of the Franklin Municipal Code, and the Beer Board having reason to believe that the above permit holder has violated the provisions of the State Beer law and the ordinances of the City of Franklin, you are hereby notified to appear before the Franklin Beer Board on **Tuesday, November 11, 2014 at 3:30 p.m. in the City Hall Training Room at the City of Franklin City Hall (109 Third Avenue South, Franklin, Tennessee),** and show cause why your license should not be suspended or revoked for such violation. The violation charged is the making or allowing of the **sale of beer to a person under twenty one (21) years of age,** in violation of T.C.A. §57-5-301 and Section 8-226 (5) of the Franklin Municipal Code. The incident upon which this citation is based occurred on February 28, 2014, in Franklin, Tennessee.

The Chairman of the Beer Board is authorized to compel the attendance of witnesses by subpoena issued by the Clerk of the City Court. At the hearing, the Board will hear evidence both in support of the charges and on behalf of the permittee. The City intends to present the following facts into evidence:

> On February 28, 2014, using two confidential informants, individuals under the age of twenty-one (21) years of age, the Franklin Police Department visited several businesses including the above-referenced establishment. The confidential informants approached an employee of the permittee to purchase beer. At this time, Lisa Sparks, an employee of the permittee, sold beer to the confidential informants. A citation was issued to the employee. The employee's case in the general sessions court of Williamson County was retired upon the conditions of community service and a contribution to Mothers Against Drunk Driving.

City staff has prepared Joint Stipulations of Fact setting forth the above facts taken from Franklin

Police and court records. You may sign them if you are in agreement. Stipulations allow the Beer Board to understand what facts are in agreement. Should you wish to stipulate to the facts as presented, the hearing will focus solely on any defense or mitigating factors that you deem appropriate to present to the Beer Board at the hearing for the purpose of penalty. If you disagree with the facts above, please notify Kristen Corn, Staff Attorney, at 615-550-6603 at least three (3) days before the hearing. You may request the issuance of subpoenas for any witness, examine City records prior to the hearing concerning the alleged violation, and appear personally, with legal counsel if you desire, to contest the charges, cross-examine witnesses, and generally make whatever defense you believe appropriate. Please note that it is **improper** to contact the members of the Beer Board prior to the hearing.

After the hearing, if the charges are sustained by the evidence, the Board has the discretion to revoke or suspend your permit, issue a reprimand, and to impose conditions upon your permit such as probation, to deter future violations. The Board also has the option, in lieu of taking such action, of offering the permit holder the option of paying a civil penalty, not to exceed $1,500.00. However, if you are certified as a Responsible Vendor by the Tennessee Alcoholic Beverage Commission, the maximum penalty for a first offense is a civil penalty not to exceed $1,000.00. **If you are a certified Responsible Vendor, you are required to submit proof of such certification to the Beer Board no later than five (5) days prior to the hearing.**

To request accommodations due to disabilities, or should you need an interpreter, please contact the Risk Department at (615) 791-3277.

ISSUED: November 3, 20 14

Margaret Martin

Margaret Martin, Alderman
Chairman

cc: Beer Board Members
Staff Attorney, Kristen Corn
J. Lawrence Sullivan, Board Administrator
Police Chief Deborah Faulkner

I HAVE SERVED A COPY OF THIS NOTICE ON THE PERMIT HOLDER/ OWNER BY HAND-DELIVERY ON 11-3-2014, 20 14.

Ben Jones

FRANKLIN POLICE OFFICER

Received by: RICK SHANNON
(Print Name)

Signature: _____

BEFORE THE BEER BOARD OF THE CITY OF FRANKLIN, TENNESSEE

IN THE MATTER OF	)	
	)	
Mickey Roos	)	
509 Hillsboro Road	)	
Franklin, TN 37064	)	**CASE NO. 14-09**
	)	
BEER PERMIT NO. 05-41	)	
	)	

JOINT STIPULATIONS OF FACT

The permittee and the City, as evidenced by signatures below, agree that the following statements of fact shall be considered undisputed for the purposes of the hearing before the City of Franklin Beer Board.

1. On February 28, 2014, using two confidential informants, individuals under the age of twenty-one (21) years of age, the Franklin Police Department visited several businesses including the above-referenced establishment.
2. The confidential informants approached a bartender of the permittee to purchase beer.
3. At this time, Lisa Sparks, an employee of the permittee, sold beer to the confidential informants.
4. A citation was issued to the employee. A copy of the citation is attached as Exhibit A.
5. The employee's case in the general sessions court of Williamson County to was retired upon the conditions of community service and a contribution to Mothers Against Drunk Driving. A copy of the final judgment is attached as Exhibit B.

AGREED TO:

By: _____
Kristen L. Corn
Staff Attorney
City of Franklin, Tennessee
109 3rd Avenue South
Franklin, Tennessee 37064

By: _____
Print name: _____
Title: _____
Mickey Roos
509 Hillsboro Road
Franklin, Tennessee 37064

STATE OF TENNESSEE UNIFORM CITATION

183502

COMPLAINT - AFFIDAVIT

COMPLAINT #	AGENCY	I.D. NO.
201460700	Franklin Police Dept.	TN0940100

VIOLATOR

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

NAME [redacted]

ADDRESS

CITY

DRIVER'S LICENSE

VEHICLE

☐ OWNED ☐ LEASED ☐ CARRIER | NAME | ADDRESS | ☐ MC ☐ CMV ☐ HAZ ☐ ACCIDENT MAT

DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE: N/A

MAKE	MODEL	YEAR	COLOR	LICENSE PLATE NUMBER	STATE	YEAR

LOCALE

UPON STREET/HIGHWAY AT OR NEAR	TRAVEL DIR.	CITY/COUNTY	HIGHWAY TYPE	AREA
509 Hillsboro Rd	☐N ☐S ☐E ☐W N/A	Franklin, TN	☐E-L ☐4-L ☐DIV. ☐1-RD ☒2-L	☒BUSINESS ☐SCHOOL ☐RES. ☐RURAL

VIOLATOR

A FORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

01 ☐ SPEEDING _____ MPH IN _____ SPEED LIMIT ☐ ZONE ☐ PACING ☐ RADAR ☐ OTHER ☐ FAILURE TO YIELD

02 ☐ RECKLESS DRIVING 20 ☐ DUI BAC _____ 103 ☐ REGISTRATION LAW ☐ IMPROPER TURN

03 ☐ TRAFFIC CONTROL DEVICE 22 ☐ REV/SUS/CAN DL 393 ☐ CHILD RESTRAINT ☐ IMPROPER PASSING

☐☐ OTHER

T.C.A. 57-4-203 ORDINANCE:

NARRATIVE

Sale of Alcohol to Minors ~~(2 counts)~~

Above subject served alcohol to two minors inside Mickey Roos.

OFFICER

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

THIS 28 DAY OF Feb 20 14 TIME 1850 ☐ AM ☒ PM

RANK	OFFICER NAME (PRINT)	BADGE/ID NO.
Ofc	J. Carson	0944

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 28th DAY February 20 14

SIGNATURE OF OFFICER

Tammy Sides
JUDGE/CLERK

COURT

IN THE ☒1 GENERAL SESSIONS COURT OF Williamson NO. 914 IN THE CITY OF Franklin NO. 03

☐2 JUVENILE COURT ☐3 FRANKLIN CITY COURT

COUNTY ON Thurs THE 13 DAY OF March 20 14 TIME 1:00 ☐ AM ☒ PM

[redacted]

State of Tennessee v. [redacted]

Court File #: 2014-CR-1800

COPY

General Sessions Retirement Order

Pursuant to agreement between the State and Defendant, the charge of Sale of Alcohol to Minor in the above-referenced matter is to be retired for a period of 11 mos. 29 days. The retirement is conditioned upon the following:

(1) complete 40 hours of community service work

(2) Pay a $250.00 contribution to MADD

This case is to be set for review on the following date(s):

04/07/15

X Defendant Need **Not** Appear if proof of compliance is in the file

__ Defendant **MUST** Appear on the following review dates: _____

Agreed to by:

Vanessa Daroche
District Attorney

[redacted]
Defendant

Defense Attorney

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED.

ENTERED this the 22 day of April, 2014.

General Sessions Judge

Waiver of Counsel

The defendant after being fully advised of his/her right to the aid of counsel in every state of the proceedings, and further having been advised that if indigent an attorney will be appointed to represent the defendant, hereby waives his/her right to counsel.

Defendant

General Sessions Judge

[redacted]

N0022601 9256817141015

TENNESSEE DEPARTMENT OF REVENUE

BLANKET CERTIFICATE OF RESALE

MICKEYROOS BBQ LLC
ATTN: STEVE BURTON
509 HILLSBORO RD
FRANKLIN TN 37064-2123

Effective Date: 11-01-14
Account Type: SALES&USE
[redacted]
509 HILLSBORO RD
FRANKLIN TN 37064-2123

Under the provisions of Tenn. Code Ann. Title 67, Chapter 6, the person named above is granted authority by the Tennessee Department of Revenue to make purchases for resale, without payment of the Sales or Use Tax, of tangible personal property or taxable services. Any merchandise obtained upon this resale certificate is subject to the Sales or Use Tax if it is used or consumed in any matter by the organization itself, or is given away, and must be reported and the tax paid thereon directly to the Department of Revenue. Certificates of Resale must not be used to obtain tangible personal property or taxable services to be used by the purchaser and not for resale. [See definition of "resale" in Tenn. Code Ann. Section 67-6-102]

The person named above must furnish its suppliers of goods and services with a **COPY** of this exemption certificate, which replaces the generic certificate previously issued by the Department. The lower portion of the certificate must be properly completed. The organization MUST retain the original certificate for copy purposes. The supplier will maintain a file copy as evidence of exemption. Later purchases do not require the submission of additional copies.

Effective Date 11-01-14

Richard H. Roberts
Commissioner of Revenue

TO BE COMPLETED BY THE ORGANIZATION (please print)

TO: VENDOR: _____

_____

The undersigned certifies that the merchandise purchased on each order placed is purchased for the reason indicated below. The purchaser must notify the seller in writing if the certificate is no longer valid.

( ) Resale as tangible personal property, or resale of a service subject to tax.
( ) A component part of an article to be produced for sale by manufacturing, assembling, processing, or refining.
( ) Rental or leasing of tangible personal property.
( ) Use in accordance with the provisions of Rule 1320-5-1-.68(4). (A copy of the Direct Pay Permit must be given to the vendor.)
( ) _____
(Indicate the purpose for which the property is bought when no Sales or Use Tax is to be collected.)

SIGNATURE OF PURCHASER _____

TENN. CODE ANN. SECTION 67-6-607 MAKES IT A MISDEMEANOR TO MISUSE A CERTIFICATE OF REGISTRATION WITHOUT PAYING THE SALES OR USE TAXES AND SUBJECTS THE CERTIFICATE TO REVOCATION.

N0001401

9256808141015

TENNESSEE DEPARTMENT OF REVENUE

CERTIFICATE OF REGISTRATION

MICKEYROOS BBQ LLC
ATTN: STEVE BURTON
509 HILLSBORO RD
FRANKLIN TN 37064-2123

October 19, 2014

Account Type: SALES&USE

[redacted]

Filing Status: MONTHLY

We have received and processed your application for registration. Your valid certificate is attached below. This certificate must be publicly displayed at the location for which it is issued. The account number on this certificate is used by the department to identify your account and must be shown on all reports and correspondence. The reverse side of this certificate contains important information regarding change and/or cancellation instructions. This certificate is not assignable and is valid only for the person (entity) to whom it is issued.

T.C.A. 67-6-607 Unauthorized Use of Certificate

It is a class C misdemeanor for any person having a certificate of registration to:

(1) Use such certificate for the purpose of purchasing tangible personal property subject to the tax herein levied except for resale, unless authorized to do so by other provisions of this chapter and the rules and regulations adopted pursuant thereto; or

(2) Use or consume any tangible personal property purchased or otherwise acquired under the certificate of registration and subject to the privilege taxes herein levied without paying the privilege taxes.

Reporting

All sales and use tax returns must be filed and associated tax payments must be paid electronically. You are required to file your monthly, quarterly, or annual return, according to your filing frequency, even if no tax is due. If your business opens after the 20th of the month, do not file a separate return covering only the days remaining in the month. Rather, include those days on the return covering your first filing period.

Penalty & Interest

In order to avoid the penalty and interest, all returns must be filed and all associated tax payments must be made on or before the due date for the reporting period.

DETACH HERE AND DISPLAY IN PUBLIC AREA

TENNESSEE DEPARTMENT OF REVENUE
CERTIFICATE OF REGISTRATION
SALES&USE

This certificate must be publicly displayed

MICKEYROOS BBQ LLC
509 HILLSBORO RD
FRANKLIN, TN 37064-2123

[redacted]

Effective Date: November 1, 2014

Richard H. Roberts
COMMISSIONER OF REVENUE