



Meeting Agenda

Beer Board

Friday, June 18, 2021

9:00 AM

Board Room

PUBLIC NOTICE

Notice is hereby given that a special meeting of the Franklin Beer Board will be held on the 18th day of June 2021 at 9:00 a.m. for the purpose of considering any and all matters brought to its attention that shall include, but not limited to the following:

CALL TO ORDER

1. Consideration Of Notice Of Violation And Order To Show Cause Of The Following Permit:

Case # Business Name Permit # Owner Name Address

21-01 Tony's Eat And Drink, 19-35 Frog Dog LLC 1000 Meridian Blvd., Suite 100
Franklin, TN 37067

A hearing will address alleged violations of Title 8, Chapter 2 of the Franklin Municipal Code, specifically, by

1. Making or allowing any sale of beer to any intoxicated person or to any feeble minded, insane, or otherwise mentally incapacitated person, a violation of Section 8-226(6);
2. Allowing intoxicated persons to remain on premises, a violation of Section 8-226(7);
3. Making or allowing of Tony's Eat and Drink to become a public nuisance or a nuisance to law enforcing agencies of the City of Franklin, and/or creating a nuisance or materially contributing to creating or maintaining a public nuisance, in violation of Section 8-226 (10) of the Franklin Municipal Code.

Sponsors: N/A

OTHER BUSINESS

ADJOURN

Respectfully submitted, Eric Stuckey, City Administrator

Anyone needing accommodations due to disabilities please contact the ADA Coordinator at 615-791-3277 at least 24 hours prior to the meeting.

BEFORE THE BEER BOARD OF THE CITY OF FRANKLIN, TENNESSEE

IN THE MATTER OF

**Tony's Eat and Drink
1000 Meridian Blvd., Suite 100
Franklin, Tennessee 37067**

BEER PERMIT NO. 19-35

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Case No. 21-01

NOTICE OF VIOLATION AND ORDER TO SHOW CAUSE

PERMITTEE/OWNER:

Frog Dog, LLC d/b/a
Tony's Eat and Drink
1000 Meridian Blvd., Suite 100
Franklin, TN 37067

COPY TO: Managing Agent

Anthony Carlton Urbanek
1018 Lawn View Ct.
Franklin, TN 37064-5564

~~COPY TO: Registered Agent~~

~~Anthony Carlton Urbanek
1018 Lawn View Ct.
Franklin, TN 37064-5564~~

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/or the ordinances of the City of Franklin, you are hereby notified and ordered to appear before the Franklin Beer Board on June 18, 2021 at 9:00 a.m., in the City Hall Boardroom of Franklin City Hall and show cause why your license should not be suspended or revoked for such violation. The violations charged are:

- (1) Making or allowing any sale of beer to any intoxicated person or to any feeble minded, insane, or otherwise mentally incapacitated person, a violation of Section 8-226(6);
- (2) Allowing intoxicated persons to remain on premises, a violation of Section 8-226(7); and

- (3) Allowing the place of business to become a public nuisance or a nuisance to law enforcing agencies of the City of Franklin, or create a nuisance or materially contribute to creating or maintaining a public nuisance, a violation of Section 8-226(10).

The incidents upon which this citation are based have occurred from late 2020 through and into early 2021, and took place in Franklin, Tennessee.

The Chair 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 for the Beer Board's consideration:

1. An anonymous complaint was filed regarding Tony's Eat and Drink with the Tennessee Alcohol and Beverage Commission ("TABC") on Wednesday, October 28, 2020, alleging that an underage female who frequented Tony's Eat and Drink was dating one of the bouncers, an employee of the establishment.
2. The complaint further alleged that the underage female frequents the establishment nightly and is served alcoholic beverages while there.
3. The complaint alleged that the underage female brings friends with her to drink, some of whom are underage.
4. On November 18, 2020, November 19, 2020, and February 12, 2021, two agents of the TABC, Special Agent Shawn Childress and Special Agent Ross Lampright, investigated Tony's Eat and Drink.
5. Their investigation resulted in a report of their findings, a sworn copy of which has been provided.

6. Their observations on November 18, 2020, revealed problems related to sales to overly intoxicated patrons and off-premise consumption of alcoholic beverages.
7. The two agents investigated again on November 19, 2020. At 12:20 a.m., Franklin Police Officers arrived at Tony's Eat and Drink responding to a medical call for service. Shortly after, EMS arrived on the scene and parked adjacent to the main entrance.
8. While EMS was parked in that location, a blue Chevrolet collided with the EMS vehicle, backing into the front side passenger door of the EMS vehicle.
9. The driver and the passenger of the blue Chevrolet were observed by the agents inside Tony's Eat and Drink prior to the collision.
10. Franklin Police Officers conducted a field sobriety test of the individual driving the blue Chevrolet, and the driver was taken into custody for driving under the influence of an intoxicant.
11. Later that same evening, at 12:35 a.m., two patrons, a male and a female, were seen leaving the establishment. The TABC agents observed that the male patron had a bottle of what appeared to be beer obtained inside the establishment.
12. The TABC agents witnessed the male patron drinking from the bottle before getting into the passenger side of the vehicle.
13. On February 12, 2021, the TABC and the Franklin Police Department performed a joint surveillance operation of Tony's Eat and Drink.
14. During that operation, the establishment was observed to be committing apparent violations of then applicable COVID-19 regulations, as the establishment did not appear to be requiring masks be worn by patrons at any point while in the establishment.

15. That same evening, four patrons (two male and two female) were observed leaving Tony's Eat and Drink in a highly intoxicated state. The TABC agents report indicates they observed the individuals were unsteady on their feet, shouting, and one of the male patrons picked up a large traffic cone and threw it into the air as they left.
16. During that same operation on February 12, 2021, an arrest for a drug related offense was made in the parking lot, and patrons were observed going into the establishment that appeared to have in their possession or were drinking alcohol prior to entering the establishment.
17. The TABC issued a Regulatory Citation to Tony's Eat and Drink based upon its investigation, imposing a fine of \$3,000.
18. An analysis of Franklin Police Department activity from October 1, 2020 to May 10, 2021, reveals the following:

Offenses associated with Tony's (pulled from 37 offense reports)

Assault: 6
Disorderly Conduct: 9
DUI: 17
Evading Arrest: 3
Resisting Arrest: 3
Simple Possession: 2
Criminal Trespass: 1
Weapon Possession: 4
Hit and Run: 2
Theft: 1
Serving Underage: 1
Vandalism: 1

CAD Data for Tony's (224 CAD calls)

Extra Patrol: 117
Speak to Subject: 14
Fight: 7
Suspicious Vehicle: 10
911 Open Line: 7
Business Check: 7
Intoxicated Person: 13
Alarm / Burglar: 4
Disorder: 5
Unwanted Subject: 7
Be on the Lookout: 1
Traffic Stop: 4
Self-Initiated Activity: 2
Citizen Assist: 2
911 Misdialed: 2
Assist Another Agency: 2
Suspicious Activity: 1
Welfare Check: 3
Noise Complaint: 1
Assault EMS needed: 1
Assault Report – Law Only: 1
Auto Theft Report / Recovery: 1
Disorder w/ Weapon: 1
Follow Up: 2
Harassing Threats: 2
MVC Auto: 1
MVC Injury: 1
Narcotics: 1
Property (Lost Found Damaged): 1
Stalking: 1
Suicide Threats: 1
Suspicious Person: 1

All of these activities constitute offenses under the City of Franklin Beer Ordinance. You may request the issuance of subpoenas for any witness, examine City records prior to the hearing concerning the alleged violations, and appear personally, with legal counsel if you desire, to contest the charges, cross-examine witnesses, and generally make whatever defense you believe

to be 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, the Board has the discretion to revoke or suspend your permit, issue a reprimand or fine, and to impose conditions upon your permit 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 civil penalties. If you are a certified Responsible Vendor and wish to have that considered, you are required to submit proof of such certification to the Beer Board no later than five (5) days prior to the hearing, or as soon as is reasonably practicable.

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

ISSUED: June 8, 2021


Margaret Martin, Alderman
Chair of Board

cc: Beer Board Members
William E. Squires, Assistant City Attorney
Jessica Davey, Board Administrator
Deborah Faulkner, Police Chief

I HAVE SERVED A COPY OF THIS NOTICE ON THE PERMIT HOLDER / OWNER
AND/OR ITS REGISTERED AGENT, OFC ANTHONY ALEXANDER,
BY HAND-DELIVERY ON JUNE 4TH, 2021.


FRANKLIN POLICE OFFICER

Received by: Anthony C Urbanech
(Print Name)

Signature: 