

5. Location of the business by street address. For special event, list location of the event.

9050 Carothers Pkwy. / Franklin, TN 37067 / Unit ~~100~~ 104

Phone number of the business (256) 431-4762

6. Please give the following information on the person who will be managing the business. This person is an owner or a managing agent .

Name [REDACTED]

Drivers license # [REDACTED] State [REDACTED]

Date of birth [REDACTED] Soc. Sec. # [REDACTED]

Home phone # [REDACTED] Daytime phone # [REDACTED]

7. Specify the identity, address and daytime contact phone number of the person to receive annual privilege tax notices and any other communication from the City.

Name Alston Noak Title Owner

Mailing Address 1005 Hillsboro Road / Franklin, TN 37069
~~1975 Kimbark Drive~~

City, State, Zip Franklin, TN 37069
~~Franklin, TN 37215~~

Daytime contact phone number (256) 431-4762

8. Will the permit be used to operate two or more restaurants or other businesses under the same permit as permitted by T.C.A. Section 57-5-103(a)(4) within the same building? Yes No .

If so, specify number _____. List the names of the restaurants or other businesses and describe their location (use additional sheet if necessary)

9. Do you own the premises on which you will operate? No
If no, please give the name and address of the property owner.

Betty Hunt
9050 Carothers Pkwy. Suite 104 Box 13 Franklin, TN 37067

10. Has any person having at least 5% ownership interest, managers or employees of the business been convicted of any violation of beer or alcoholic beverage laws or any crime (other than minor traffic violations) within last ten (10) years? Yes If so, give particulars of each charge, court and date convicted.

Jordan Winn → ~~OWA~~, Possession of Marijuana, Coosa County Courthouse, 1/14/07
↓
Ⓢ PWAI Eagle County Courthouse, 10/12/10
Ⓢ DUI Tuscaloosa County Courthouse 12/2/07

11. Has this owner or the owners organization had a beer permit revoked, suspended, or denied in the State of Tennessee? Yes ___ No X If so, please give date, place and cause of said revocation.

12. Give the name and address of the former beer permittee at this establishment.

None

13. Give applicant's history of involvement in the beer business, if any.

None

14. Give applicant's employment record for the past 10 years.

Reliance Bank → Athens, AL May - August 2009 (Internship)
Moe's Original Bar B Que → Vail, CO May 2010 - April 2011 (Assistant Manager)
Moe's Original Bar B Que → Huntsville, AL April 2011 - September 2012 (Manager)

15. What is the exact nature of the business in which you are applying for a beer permit?
(Restaurant, tavern, motel, etc.)

Restaurant

16. Will a full course menu be served? No
17. Will separate and sanitary facilities be maintained for men and for women? Yes
18. Will dancing be allowed on your premises? Yes
If yes, do you acknowledge that section 9-102 of the Franklin Municipal Code prohibits the operation of establishments allowing dancing between 1:30 AM and 8:00 AM? Yes

TRAINING POLICY:

All beer applications must have a training policy submitted with application. This policy must include training regarding the sale of beer to minors.

19. Please read the following and upon signature of this application, you do understand and agree to comply if you are granted a permit.
- (a) You will not sell beer or similar beverages except at the place or places for which the beer board has issued your permit.
 - (b) You will not sell beer or any like beverage except in accordance with the terms of said permit.
 - (c) If this application is made for permit to sell and not for consumption on the premises, you will not sell for consumption on the premises and not allow consumption on the premises.
 - (d) You will rigidly enforce the law against sales to minors.
 - (e) You will prohibit gambling at your establishment and understand that the conduct of such activities on the premises will result in revocation of your permit.
 - (f) You will secure a certificate or statement from the health department or health officer that the premises covered by the application meet the requirements of the ordinances of the City of Franklin and the laws of the State of Tennessee.
 - (g) You will not attempt to transfer this permit to anyone else.
 - (h) You will display this permit in a prominent place in your establishment.
 - (i) You will not sell or distribute beer between the hours of 3:00 AM and 6:00 AM (8:00 AM for on premises consumption) during the week and between the hours of 3:00 AM Sunday and 12:00 Noon Sunday (10:00 AM for on premises consumption).
 - (j) You will prohibit the congregation at your establishment of those who reasonably appear to be intoxicated, lawless, rowdy, or prostitutes.
 - (k) You will not allow any liquor with alcoholic content of greater than five percent (5%) to be consumed on the premises.

- (l) You will not allow any sale or delivery of beer for consumption on the premises outside of the building, it being the intention to prohibit the sale of beer by what is commonly known as "curb service" or "curb sales" of beer.
- (m) You will comply with all requirements of section 2-201 through 2-229 of the municipal code of the City of Franklin.

A non-refundable \$250 fee must accompany this application and the application shall be submitted at least fifteen (15) days prior to the Beer Board meeting at which it is to be considered. If the application is approved you are required to provide documentation of sales tax registration to the city within ten days of approval. Any applicant making false statement in this application shall forfeit his permit and shall not be eligible to receive any permit for a period of ten years.

A privilege tax of \$100 is imposed on the business of selling, distributing, storing or manufacturing beer in this state effective January 1, 1994 and each successive January 1. Any holder of a beer permit issued after January 1, 1994 shall pay a pro rata portion of this annual tax when the permit is issued.

I hereby make application to the City of Franklin Beer Board for a beer permit.

The signing of this application acknowledges that I am aware of the laws prohibiting the sale of beer to minors.

I hereby certify that no person having at least a 5% ownership interest, nor any person to be employed in the distribution or sale of beer in my establishment has been convicted of any violation of the beer or alcoholic beverage laws or any crime involving moral turpitude within the past 10 years.

I am also aware that I shall not be issued a permit or my permit shall be revoked if my business location causes traffic congestion or interferes with schools, churches, or other public places of public gathering, or otherwise interferes with public health, safety and morals.

[Handwritten Signature]

Signature of Applicant/Owner (or Authorized Corporate Officer)

On behalf of: Moe's Original Bar & Que

Name of Business Entity

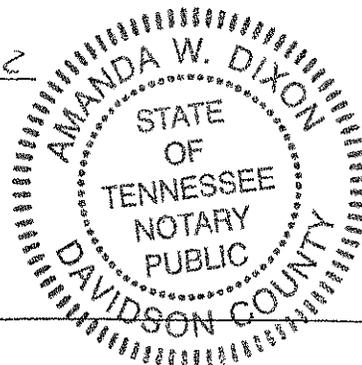
17 December

Sworn to and subscribed before me this 17 day of December, 20 12

[Handwritten Signature: Amanda W. Dixon]

Notary Public

My Commission Expires: 9-8-13



Official Use Only	
Application Fee \$	<u>250.00</u> Date Paid <u>2-22-13</u>
Privilege Tax \$	<u>83.00</u> Date Paid <u>2-22-13</u>
Board Meeting Date	<u>3, 12, 13</u>

Moe's Original Bar B Que Franklin

Alcohol Training Policy

- All employees will be required to complete the TABC course to serve LBD
- Employees will read the Moe's Original employee manual, which includes our expectations of them to responsibly serve alcohol; they will also sign an acknowledgement of our alcohol policy.
- A mandatory seminar on alcohol sales will be conducted by the Moe's Original Bar B Que owner/managers in conjunction with our insurance provider Chappell, Smith & Associates, Inc. This will be a mandatory meeting with all employees in which we will again outline the responsibilities of serving alcohol.
- All employees that are able to serve alcohol will be closely monitored by the Moe's Original Bar B Que owners, and any employee that neglects to follow guidelines set forth by the State of Tennessee, City of Franklin, Williamson County, and Moe's Original Bar B Que, will be terminated immediately!

***Included in our application are copies of the responsible serving of alcohol portion of the Moe's Original Bar B Que employee manual as well as guidelines we will set forth in the serving of alcohol seminar



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RESPONSIBLE SERVING OF ALCOHOL

The management of Moe's Original Bar-B-Que is committed to serving alcohol responsibly. All staff members must agree to familiarize themselves with these policies and abide by same.

UNDERAGE DRINKING

Underage drinking will not be tolerated. All patrons not obviously over the age of 40 should be asked for identification. Acceptable forms of identification include photographic ids such as valid state driver's licenses or passports. Any other form of identification is not acceptable, unless approved by a manager or supervisor. If an employee is suspicious of a patron's otherwise valid - appearing identification, the employee should discuss the situation with a manager or supervisor. Any employee failing to request identification or caught serving minors will be terminated.

INTOXICATED PATRONS

Moe's Original Bar-B-Que will not serve a visibly intoxicated patron, nor will it continue to serve any patron who becomes visibly intoxicated. Every employee has the right to refuse service to any patron. If the employee has some question whether a patron has become intoxicated, the employee should immediately inform a manager or supervisor. The decision of any employee choosing to refuse service to a patron due to a suspicion of intoxication will be supported by management, and no employee will be questioned or disciplined for making a decision to refuse service. It is Moe's Original Bar-B-Que's policy to err on the side of caution and not serve or continue to serve any patron who may be intoxicated.

EMPLOYEE ACKNOWLEDGMENT OF MOE'S ORIGINAL BAR-B-QUE ALCOHOL POLICY

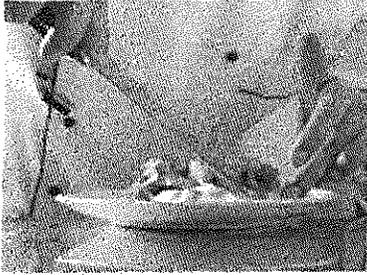
By my signature below, I acknowledge that I have received a copy of the Moe's Original Bar-B-Que policies with regard to the sale of alcohol and I have been verbally instructed in accordance with those policies and understand them. I acknowledge that Moe's Original Bar-B-Que is committed to the responsible sale of alcoholic beverages. I hereby agree that I will abide by those policies, and as such, will not serve any person an alcoholic beverage who is below the age of 21 years, nor will I serve alcoholic beverages to a visibly intoxicated patron.

I understand that I will only accept the following forms of identification in establishing the age of a patron that include a valid state driver license, passport or any other form of photographic identification deemed acceptable by my supervisor or manager. If I suspect that a patron has become intoxicated, I will promptly report this to my supervisor or manager. I understand that I have the right and authority to refuse service to any patron.

I will promote the responsible policies of Moe's Original Bar-B-Que and will report to my immediate supervisor any observance of a violation of these policies by other staff members of employees.

Employee Signature

Date



Safety Matters

Talking Points for Moe's Original BBQ

Chappell, Smith & Associates, Inc.: Your restaurant safety partner

Tips for Servers of Alcoholic Beverages

Our goal is to provide you with the right information and training to prevent patron intoxication and alcohol-impaired driving when you are serving alcoholic beverages. Assess how much a person has been drinking by recognizing the signs of intoxication and using the following methods for intervening with intoxicated guests.

Signs of Intoxication

While alcohol affects everyone differently, the signs of intoxication generally include:

- slurred or slowed speech
- tendency to lose a train of thought
- red eyes, inability to focus
- decreased alertness
- staggering or the inability to walk
- fine motor skills are affected, such as the inability to light a cigarette
- drinking faster than usual
- being overly friendly

How Much is Too Much?

To monitor how much a guest is drinking, the SMART (Server & Managers Alcohol Responsibility Training) program suggests using the traffic light system rather than counting how many drinks a guest has had. Here's how it works:

- **Green:** Patron shows no sign of impairment, is in a good mood, and is not drinking rapidly. Guest gets a green light!
- **Yellow:** Patron is not yet intoxicated, may be drinking quickly, is either in a "down" mood or out to celebrate, and may be showing some signs of impairment. Your goal is to stop serving before a guest is intoxicated, so serve this guest with caution!
- **Red:** Patron is showing signs of intoxication, may be in a depressed, aggressive or bad mood, is drinking fast,

and seems intent on becoming drunk. Stop! This guest should not be served alcohol.

Dealing with Intoxicated Patrons

You have both the right and the duty to refuse service to an intoxicated patron. This puts you at risk, so keep the following in mind:

- Politely deny service. Offer food or alcohol-free alternatives.
- Tact and courtesy go a long way in preventing explosive situations.
- Avoid threatening statements, such as "You are drunk." Instead, put the focus on yourself. For example, "If I serve you another drink, I could lose my job."
- Offer to call a taxi or a friend for a ride.
- Be firm. Once you have refused service, do not bargain or back down.
- Stay calm and remain in control. Move on to serving other customers or attend to other tasks to keep yourself busy.

If removal of a drunk patron becomes necessary, it should be done as quickly and with the least amount of force as possible. Using unreasonable force may result in injury and subsequent legal action. If there is the chance of a violent reaction from a patron, be prepared to call the police for assistance.

In the event of an incident, fill out a Liquor Liability Incident Form, which documents the measures taken to control an intoxicated person, and helps to defend liability in the event of an alcohol-related accident.

Intervening with an intoxicated patron may seem difficult, but your actions are critical. When you take the appropriate steps to prevent intoxicated patrons and alcohol-impaired driving, everyone benefits.

Learn to recognize the warning signs of intoxication. By practicing good judgment and common sense, you can help to keep our patrons safe.

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RISK INSIGHTS

Chappell, Smith & Associates, Inc. Your Risk Management Partner

Managing Your Liquor Liability Exposures

The National Restaurant Association reports that more than 50 percent of first-time offenders of driving while drunk were being served at a licensed restaurant or bar before getting into their car and endangering the lives of others. Not only were these people liable for their actions, the establishments where they were drinking are also susceptible to punishment for over-serving clientele who then injure a third party.

These types of lawsuits are not cheap, either. Well-known liquor liability cases include the Outback Steakhouse, which was ordered to pay \$39 million by an Indiana jury after a patron of the restaurant chain struck the plaintiff with his car, and T.G.I. Friday's, which was ordered to pay \$1 million to the parents of two 16-year-old teenagers who were killed after being involved in an accident with a drunk driver. Witnesses in the case claimed that the patron at T.G.I. Friday's was drinking for eight hours at the establishment before the accident occurred.

These cases are not isolated incidents—victims and their families file suits against restaurants or bars every day for their role in serving a customer who is then involved in an alcohol-related accident. To help protect your establishment, employees and patrons, establishing a liquor liability prevention policy, training workers and transferring risk are critical to minimizing your liquor liability.

Prevention through Education

The most important defense against being liable for drunken driving accidents is prevention through education. It is imperative that you design a liquor liability training program for staff members who will serve alcoholic beverages to customers. In these training sessions, employees will learn important information such as how to determine if someone has had too much to drink, how to deny a patron service and how to identify valid forms of identification to prevent serving alcohol to minors. Once an employee has completed the

training, he or she should sign an agreement form outlining that they comply with and understand the policies set forth by the establishment.

Specifically, training should include the following:

Signs of Intoxication

It is important that employees learn to recognize the signs of intoxication, which include:

- Slurred or slow speech
- Tendency to lose a train of thought easily
- Red eyes or inability to focus
- Decreased alertness
- Staggering or inability to walk
- Inhibited motor skills, such as the inability to light a cigarette
- Drinking faster than normal
- Being overly friendly

More than 50 percent of first-time offenders of driving while drunk were being served at a licensed restaurant or bar before getting into their car.

Monitoring Consumption

Teach your staff how to recognize when patrons have had too much to drink. The SMART (Server & Managers Alcohol Responsibility Training) program suggests using the traffic light system rather than counting how many drinks a guest has had is more effective in monitoring how much a guest is drinking.

Here's how it works:

- Green: Patron shows no sign of impairment, is in a good mood and is not drinking rapidly.
- Yellow: Patron is not yet intoxicated, may be drinking quickly, could be either in a "down" mood or out to celebrate and may be showing some signs of impairment. Your goal is to stop serving before a guest is intoxicated, so serve this guest with caution.
- Red: Patron is showing signs of intoxication, may be in a depressed, aggressive or bad mood, is drinking fast and seems intent on becoming drunk. This guest should not be served alcohol.

Offering Continued Service



Chappell, Smith
& Associates, Inc.

RISK

INSIGHTS

Encourage employees to serve customers diligently. This does not mean replacing a drink as soon as the older one is being finished. Instead, employees should conduct friendly conversation with patrons, suggestive sell food items and slow down the service while engaging in conversation. In the event, an employee must cut off a patron; they already have an established relationship. The patron may take what the employee says to heart and may not become angry or violent when approached to stop drinking.

Denying Service

As part of the liquor liability training program, establish a policy for how to deny patrons service when they have had too much to drink. Be sure to include the following steps in your policy:

- Be polite and offer non-alcoholic beverages or food alternatives
- Avoid threatening statements, and place the focus on the server by explaining that they could lose their job if they continue to serve the patron
- Offer to call a taxi or friend to drive the patron home
- Use a firm tone and do not back down if they are met with resistance
- Remain calm and in control of the situation
Require that employees seek out a manager's assistance immediately upon confrontation while trying to deny a patron service

Reporting Incidents

After an incident has occurred, it is necessary that employees fill out an incident report. Specifically, make sure that employees note the name of the intoxicated patron, witness testimony and a detailed description of the incident, including mention of any fights, refusal to serve, use of a false ID or patron ejection. This helps to reduce your liability in the event of an alcohol-related incident.

Employee Legal Consequences

As part of your initiative to lessen risks, educate employees on how drunken patrons may affect their lives. Employees must understand how serving to minors who use fake IDs will result in large fines or how dram shop laws are stricter than ever and breaking them may pose serious consequences. Remind employees that they are liable and could face a number of consequences for not cutting off patrons before they've had too much to drink. Types of employee liability include:

- **Criminal Liability:** Employees can be found criminally liable for serving to minors with a fake ID or serving to a patron who appears intoxicated. The employee can face monetary fines, probation or jail time depending on state laws. In addition, your establishment can lose its liquor license and is susceptible to fines as well as higher insurance premiums.
- **Civil Liability:** If employees are found guilty of civil liability for a patron's injury, that employee, the owner and the establishment face large monetary fines. At times, these fines are so large that they cause bankruptcy.

- **Dram Shop Laws:** These laws allow establishments, owners and employees to be sued by an individual after they've been injured by a patron served at the establishment.

Transferring your Risks

To protect your business, it is wise to obtain a liquor liability policy either as standalone coverage or as part of a restaurant and bar package policy. Contact Chappell, Smith & Associates, Inc. at 615-435-8300 for more information about these effective coverage options. We understand carrier requirements and the state's dram laws to design a policy that suits you best.

POLICE DEPARTMENT

David Rahinsky
Chief of Police



Dr. Ken Moore
Mayor

Eric S. Stuckey
City Administrator

February 25, 2013

TO: Lt. Charles Warner 

FROM:


Mary Casteel, Communications Support Coordinator

SUBJECT: Beer Board Background Checks

A check of Franklin Police Department records was completed on Alston M. Noah, Managing Agent for Moe's Original Bar B Que and found to be clear.

A check was completed through LexisNexis/Accuint and found to be clear.

Requested by: Ann Murphy



City of Franklin

P O Box 705
Franklin, TN 37065
(615) 791-3225

13-13

DATE: 2/21/2013
TO: POLICE CHIEF
FROM: CHRISTY MCCANDLESS, ACCOUNT MGMT SUPERVISOR
RE: RECORDS CHECK FOR APPLICATION FOR BEER PERMIT
BEER BOARD MEETING DATE 3-12-2013

- Applicant is requesting a temporary permit. Please return ASAP.
- Please return by 2/26/2013 to provide information for Beer Board meeting agenda.

Name of Business Moe's Original Bar B Que unit 104
Location of Business 9050 Carothers Pkwy, Franklin, TN 37067
Name of applicant Alston M. Noah
Managing Agent 
Drivers License #  State 
Date of Birth  Soc. Sec. # 

- Recommend. Based on information available to date, the applicant has no record requiring denial of the permit under the provisions of Title 8 of the Franklin Municipal Code.
- Not recommending. Based on information available to date, the Police Dept. is not recommending approval of a permit.

CENTRAL RECORDS DIVISION
FRANKLIN POLICE DEPT

By _____

Date _____

Approved _____
Signature