

13-51

APPLICATION FOR BEER PERMIT
STATE OF TENNESSEE
CITY OF FRANKLIN

PURSUANT TO SECTION 8 CHAPTER 2 OF THE CODE OF THE CITY OF FRANKLIN, TENNESSEE, AND THE REQUIREMENTS OF 57-5-101 ET. SEQ. OF THE TENNESSEE CODE ANNOTATED, I HEREBY MAKE APPLICATION FOR:

- ON PREMISES PERMIT
- OFF PREMISES PERMIT
- ON AND OFF PREMISES PERMIT
- MANUFACTURER'S OR DISTRIBUTOR'S PERMIT
- SPECIAL EVENTS PERMIT HOURS OF EVENT _____

DATE PERMIT NEEDED _____

PERMITS SHALL BE ISSUED TO THE OWNER OF THE BUSINESS, WHETHER A PERSON, FIRM, CORPORATION, JOINT-STOCK COMPANY, SYNDICATE, OR ASSOCIATION.

1. Applicant (Owner) Chuy's Opco, Inc.

Person ___ Firm ___ Corp LLC ___ Joint-stock co. ___ Syndicate ___ Association ___

2. List all persons, firm, joint-stock companies, syndicates, or associations having at least a 5% ownership interest in the business (attach additional sheet, if needed). Please give name and address.

Chuy's Holdings, Inc., 100% owner, 1623 Toomey Road, Austin, Texas 78704

3. If the applicant is a corporation, are they authorized to do business in the State of Tennessee? Yes

4. Under what trade name will this business operate?

Chuy's

5. Location of the business by street address.

3061 Mallory Lane, Franklin, Tennessee 37067

Phone number of the business 615/778-2878

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

Name _____

Drivers license # _____

Sta _____

Date of birth _____

Soc. Sec. # _____

Home phone # _____

Daytime phone # _____

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 Susan Kittrell

Title Controller

Mailing Address 1623 Toomey Road

City, State, Zip Austin, TX 78704

Daytime contact phone number (512) 370-2624

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 X.

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

N/A

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

Mallory Square, LLC, Attn: Jerry L. McCloud

3 Cauley Street, Nashville, Tennessee 37210

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? No If so, give particulars of each charge, court and date convicted.

N/A

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.

N/A

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

Chuy's Bevco, LLC, 3061 Mallory Lane, Franklin, Tennessee 37067

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

Applicant owns and operates restaurants that serve beer and alcohol in

TN, TX, AL, GA, FL, VA, OH, AR, KY, IN, NC, and OK.

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

N/A

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? Yes

17. Will separate and sanitary facilities be maintained for men and for women? Yes

18. Will dancing be allowed on your premises? No
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? _____

19. Does your company have a training policy for employees regarding the sale of beer to minors? Yes No _____

If yes, explain the procedure in detail or you may provide a separate attachment.

See attached.

If no, do you plan to implement a training policy in the future? N/A

20. 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.

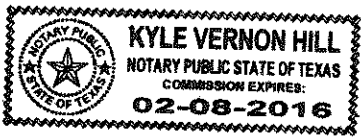
By: Sharon A. Russell Sharon A. Russell, Secretary
Signature of Applicant/Owner (or Authorized Corporate Officer)

On behalf of: Chuy's Opco, Inc.
Name of Business Entity

Sworn to and subscribed before me this 23 day of SEPTEMBER 2013

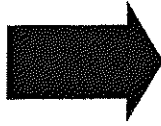
[Signature]
Notary Public

My Commission Expires: 2/8/16



Official Use Only	
Application Fee \$ <u>250⁰⁰</u>	Date Paid <u>10-15-13</u>
Privilege Tax \$ <u>17⁰⁰</u>	Date Paid <u>10-15-13</u>
Board Meeting Date <u>11 12 13</u>	

Chuy's Alcohol Serving Policies



- Each alcohol server is trained by a certified T.A.B.C. trainer and presents that current certification when hired.
- Each alcohol server's certification is renewed promptly before continuing to serve alcohol.
- Each alcohol server constantly monitors his/her customers for intoxication.

You are responsible for your section and the people drinking there, whether you served them or not. If there is a question about someone with a drink, check the ID.

**Customers must be 21 to drink.
Customers must have a valid picture ID to drink.**

Serving someone under 21 is against the law and a violation of company policy which could result in the loss of your job.

What is proper ID?

- Tennessee Driver's license w/ photo
- Tennessee Department of Safety photo ID card
- Military photo ID

Anything other than the above should be referred to the manager.

On what date should you be born in order to drink today?

Reminders

1. Always let a manager know before serving someone their fourth drink.
2. It is against the law to serve someone who is intoxicated.

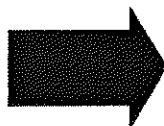
Call a manager if you question someone's sobriety.

3. Do not cut a customer off. Get a manager to do it.
4. It is against the law to bring in or take out alcoholic beverages from Chuy's.

Checking IDs

- Look carefully at the picture and the customer.
- Check the back of the card. All legal IDs have certain information on the back.
- Check the lamination to see if it is cracked or broken.
- Check the printing for poor alterations.
- Look for erasures or letters out of line.
- Run your fingers over the card to check for inserts.
- Ask questions to the customer:

Where do you live?
What is your address?
When's your birthday?



- **Check IDs of anyone under 30.**
- **Alert the manager of any intoxicated person.**
- **Alert the manager when someone orders a fourth drink.**

Alcohol Awareness

Chuy's is a responsible seller of alcohol. This means that we have a responsibility to the public to not allow our customers to become intoxicated and jeopardize their safety or the safety of others.

With the government, courts and citizen groups building a national campaign against drunk driving, your responsibility and liability are greater now than ever before. Therefore our best defense is to not allow our customers to get intoxicated, thus preventing potential drunk drivers on the street.

While we want to make our restaurants fun for our customers, when they leave we don't want them endangering anyone. To control the situation, as servers of alcoholic beverages, we must know the signs of intoxication and the methods of protecting our customers.

The Importance of Checking IDs

**You must be 21 to drink.
You must have a valid picture ID.**

**Serving someone under 21 is a violation of company
policy and could result in the loss of your job.**

You are responsible for your section and the people drinking there, whether you served them or not. If there is a question about someone with a drink, check their ID.

What is a proper ID?

- Tennessee driver's license w/ photo
- Tennessee Department of Safety photo ID card
- Other state's driver's license (validated through our ID book)
- Military photo ID

Anything other than the above should be referred to the manager

Checking IDs

- Look carefully at the picture and the customer.
- Check the back of the card. All legal IDs have certain information on the back.
- Check the lamination to see if it is cracked or broken.
- Check the printing for poor alterations.
- Look for erasures or letters out of line.
- Run you fingers over the card to check for inserts.
- Ask questions to the customer:

Where do you live?

What is your address?

When's your birthday?

Monitoring Customers

Be aware of your customers' behavior and look for signs of possible intoxication. Below are some possible symptoms. Keep in mind that the customer might have had drinks at another location before coming to Chuy's.

- Watch for heated discussions that might develop into arguments.
- Watch for abrupt changes in mood: quiet to loud, happy to sad.
- Listen for slurred speech.
- Listen for loud, obscene talk.
- Drinking too fast
- Careless with money.
- Complaining about drink strength.
- Losing muscular control, becoming clumsy.
- Lighting more than one cigarette.
- Becoming detached or brooding

- Annoying other customers.
- Slower response times in answering questions.
- Making irrational statements.

Things To Know

1. Always let a manager know before serving someone their fourth drink.
2. It is against the law to serve someone who is intoxicated. Know the people in your section and how many drinks they have had, whether you served them or not.

Call a manager if you question someone's sobriety.

3. Do not cut a customer off. Get a manager to do it.
4. It is against the law to bring in or take out alcoholic beverages from Chuy's.

Reminders

- **If you serve a customer a drink and that customer causes an accident, you may be sued as an individual along with Chuy's being sued.**
- **Check IDs of anyone under 30.**
- **Be aware of your personal liability. Servers have been fined for serving minors. Bartenders have been ordered to pay part of huge judgements awarded to victims of drunk drivers.**
- **Alert the manager of any intoxicated person.**

- **Alert the manager when someone orders a fourth drink.**
- **Do not let an intoxicated person come into your restaurant.**

City of Franklin

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

DATE: 10-15-13
TO: POLICE CHIEF
FROM: CHRISTY MCCANDLESS, ACCOUNT MGMT SUPERVISOR
RE: RECORDS CHECK FOR APPLICATION FOR BEER PERMIT
BEER BOARD MEETING DATE 11-12-13

- Applicant is requesting a temporary permit. Please return ASAP.
- Please return by 10-29-13 to provide information for Beer Board meeting agenda.

Name of Business Phay's
Location of Business 3001 Mallory Ln
Name of applicant Phay's Assoc Inc.
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

POLICE DEPARTMENT


David Rahinsky
Chief of Police



Dr. Ken Moore
Mayor

Eric S. Stuckey
City Administrator

October 15, 2013

TO: Lt. Charles Warner 

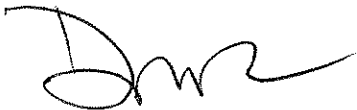
FROM: Mary Casteel
Mary Casteel, Communications Support Coordinator

SUBJECT: Beer Board Background Checks

A check of Franklin Police Department records was completed on Frank Biller, Managing Agent for Chuy's and found to be clear.

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

Requested by: Christy McCandless



City of Franklin

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

DATE: 10-15-13
TO: CODES DEPT
FIRE DEPT
FROM: CHRISTY MCCANDLESS, ACCOUNT MGMT SUPERVISOR
RE: BUILDING INSPECTIONS FOR APPLICATION FOR BEER PERMIT

- ON PREMISES PERMIT
- OFF PREMISES PERMIT
- ON AND OFF PREMISES PERMIT
- MANUFACTURER'S OR DISTRIBUTOR'S PERMIT
- SPECIAL EVENTS PERMIT

Applicant is requesting a temporary permit. Please return ASAP.

Please return by 10-29-13 to provide information for Beer Board meeting agenda.

Beer Board Meeting Date 11-12-13 *Change in ownership*

Name of Business Chuy's

Location of Business 30701 Mallory Ln

CODES DEPT

[Signature]
Building Inspector

10-17-13
Date

FIRE DEPT

Fire Inspector

Date

City of Franklin

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

DATE: 10-15-13
TO: CODES DEPT
FIRE DEPT
FROM: CHRISTY MCCANDLESS, ACCOUNT MGMT SUPERVISOR
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Beer Board Meeting Date 11-12-13

Change in ownership

Name of Business Chuy's

Location of Business 3001 Mallory Ln

CODES DEPT

Building Inspector

Date

FIRE DEPT

Wayne Moley
Fire Inspector

10-31-13
Date