

**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 ASAP

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

1. Applicant (Owner) Buca Restaurants, 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.  
Buca C, LLC, 100% owner, 4700 Millenia Boulevard, Suite 400, Orlando,  
Florida 32839
  
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?  
Buca di Beppo
  
5. Location of the business by street address.  
1722 Galleria Boulevard, Franklin, TN 37067  
Phone number of the business 615-788-1321

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 \_\_\_\_\_ State \_\_\_\_\_

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 Marjorie Untalan Title Licensing Manager

Mailing Address 4700 Millenia Boulevard, Suite 400

City, State, Zip Orlando, FL 32839

Daytime contact phone number (407) 903-5637

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 n/a. 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.

Vernell H Mobley, CBL & Associates Properties

2030 Hamilton Place Blvd, Chattanooga, TN 37421; 615-771-4222

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.

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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.

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

Buca Restaurants, Inc., 1722 Galleria Boulevard, Franklin, Tennessee

37067

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

The applicant has operated restaurants throughout the nation since 1993.

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

n/a

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

Restaurant

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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 X No \_\_\_\_\_

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

(see attached)

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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.*

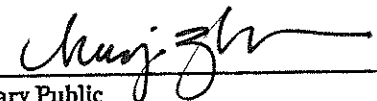
BUCA RESTAURANTS, INC.

By: 

Signature of Applicant/Owner (or Authorized Corporate Officer) Thomas Avallone, Pres/Sec

On behalf of: Buca Restaurants, Inc.  
Name of Business Entity

Sworn to and subscribed before me this 21<sup>st</sup> day of February, 20 14

  
Notary Public

My Commission Expires: 12.19.16



MARJORIE Z. UNTALAN  
MY COMMISSION # EE 859590  
EXPIRES: December 19, 2016  
Bonded Thru Budget Notary Services

Official Use Only	
Application Fee \$ <u>250<sup>00</sup></u>	Date Paid <u>2-26-14</u>
Privilege Tax \$ <u>83<sup>00</sup></u>	Date Paid <u>2-26-14</u>
Board Meeting Date <u>3, 11, 14</u>	

**List of Officers  
of Buca Restaurants, Inc.  
for Franklin Beer Permit Application**

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The following sets forth the officers of Buca Restaurants, Inc.:

Thomas Avallone  
CEO/President/Secretary  
9211 Point Cypress Dr.  
Orlando, FL 32836

Bruce F. Hawkins  
Chief Financial Officer / Treasurer  
Home Street Address: 1585 Chestnut Ave  
Winter Park, FL 32789

The following sets forth the sole member of Buca C, LLC:

Buca, Inc.  
100% Shareholder  
4700 Millenia Boulevard, Suite 400  
Orlando, FL 32839

Thomas Avallone  
Manager & CEO/President/Secretary  
9211 Point Cypress Dr.  
Orlando, FL 32836

Bruce F. Hawkins  
Chief Financial Officer / Treasurer  
Home Street Address: 1585 Chestnut Ave  
Winter Park, FL 32789



Responsible  
Alcohol Service  
Training

## Alcohol Awareness



We are providing you with this information to encourage you to take a personal approach to safe, responsible service of alcoholic beverages in our restaurants. We want to protect our Guests, Family Members, Paisano/Manager and the restaurant with regards to the safe consumption of alcohol.

We will train and educate service staff personnel by taking an active part in an ever-increasing awareness regarding alcohol use, abuse and control.

In addition to this training, some states may require the seller or Server of alcohol to go through training designated by the liquor authority and/or to be registered with the liquor authority. Please consult with your Manager for specific requirements for your location.

### **The Legalities**

As you are likely aware, the public is taking drinking and driving very seriously. This demonstrates changing social standards which also demands responsible alcohol service and consumption. What you may not know, is that Buca di Beppo and you, as the Server, could be held responsible if a patron leaves the restaurant and has an alcohol related traffic offense.

Failure on the part of an establishment, or any employee, to comply with all applicable laws of a country, state, county or municipality could result in a fine, jail time and possibly even the loss of the liquor license. With that in mind, it is imperative that you are familiar with various laws and regulations. Here are some basics, which hold true in many jurisdictions:

- It is illegal to serve or sell alcoholic beverages to anyone under the legal drinking age.
- It is illegal to serve or sell alcoholic beverages to a guest who's already intoxicated.
- It is against the law to permit a guest to become legally intoxicated on the premises.
- In most jurisdictions, it is illegal to have drugs and/or firearms on the same premise where alcohol is served.

According to applicable state statutes, restaurants who serve alcoholic beverages may be held responsible for injuries or deaths that occur due to intoxication and/or over-service of patrons. The area of law that holds liquor-serving establishments responsible for accidents caused by intoxicated patrons is called dram shop liability. A *dram shop case* typically occurs when an intoxicated patron of a restaurant or bar leaves in a motor vehicle and then injures or kills another driver or pedestrian. Another example of a *dram shop case* would be if a patron were to injure or kill themselves in an accident after leaving the restaurant. The attorney for the plaintiff (the injured party) then brings a suit against the intoxicated driver and the bar or restaurant, seeking to recover personal injury damages. Legal verdicts are rendered for very large sums each year against restaurant establishments in drunk-driving injury and fatality liability cases.



## Alcohol Awareness

### **The Legalities (continued)**

The ability to serve customers responsibly while maintaining a courteous and professional demeanor is first and foremost. Teaching BUCA employees to serve alcohol in a responsible manner is a benefit to everyone in the community and it is our belief that preventing alcohol-related tragedies and underage drinking is everyone's responsibility. Alcohol awareness training is a component that BUCA will continue to take very seriously; BUCA conducts its own policing efforts, including self-operated "sting" operations similar to those that law enforcement agencies conduct. We must comply with our responsibilities as a vendor of this controlled substance. The only way we can do this is through continued teamwork on the part of the family members and management staff.

### **What is Alcohol and How Does it Affect the Body**

Alcohol, ethyl alcohol, is an intoxicating agent found in liquor, beer and wine which is commonly produced during the fermentation process of starches, sugars and yeasts. Alcohol has long been classified as a drug because of its effects on the human body and the body's ability to function normally.

Many things will have an impact on the absorption rate of alcohol into the bloodstream and the ability of the liver to metabolize alcohol efficiently. Some of the factors include, but are not limited to, the amount of alcohol consumed, the contents of the stomach at the time of consumption, and the individual's age, race, gender, body type (size, weight and percentage of body fat) as well as any prescription medications, or other drugs, present in the body.

While studies have produced varied results, it has been shown that approximately 20% of alcohol is absorbed into the bloodstream through small blood vessels in the stomach lining. From there, the remaining alcohol, about 80%, enters the bloodstream by being absorbed through the small intestine.

It's been shown that a person who consumes alcohol on a full stomach will not feel the effects of alcohol as rapidly as if the same individual were drinking on an empty stomach. This is due in part to the stomach lining allowing a smaller portion of alcohol to be absorbed into the bloodstream than the small intestine allows. Additionally, the type of food present in the stomach can play a part in how long the effects of alcohol are delayed. Fatty foods, for example, take longer for the body process and will prolong the time it takes for an individual to feel the effects of alcohol.

Keeping in mind that alcohol's absorption into the bloodstream can be delayed, once alcohol has been introduced into a person's bloodstream, it is naturally removed in one of three ways. The primary means of the body removing alcohol from the bloodstream, typically more than 90%, is to allow the liver to metabolize, or break down, the alcohol. In general, a person's liver can metabolize roughly one drink, or 0.6oz of ethyl alcohol, per hour. That being said, if a person has had prolonged exposure to excessive drinking or is under the influence of other chemical substances, it may take their liver longer than one hour to process a standard drink. A very small amount of alcohol, typically less than 5%, is evaporated through a person's breath. Lastly, a portion of the alcohol which has been introduced is excreted by the body, primarily through urine, but also through tears and sweat.

## Alcohol Awareness

### What is Alcohol and How Does it Affect the Body (continued)

Many people believe that alcohol acts as a stimulant. On the contrary, alcohol is actually a depressant and will cause the individual to become more relaxed. As more alcohol is introduced to a person's bloodstream, brain activity is depressed. This can cause delayed responses, as well as, problems with coordination, balance and memory.

**Remember: Time is the only cure for intoxication!**

### Buca di Beppo Rules

- You are fully accountable for any Guest you serve or any Guest in your service area.
- You cannot serve a Guest unless they have valid identification (state/government issued picture driver's license or identification card, passport, or military ID).
- You cannot serve alcohol to a minor, nor will minors be permitted to drink alcoholic beverages served to a Guest of legal age.
- You have the right to refuse the service of alcohol to any Guest, per the guidelines set forth in this handbook. Any Guest that may challenge your service decision is to be reported promptly to your Paisano/Manager.
- Do not serve alcoholic beverages to an intoxicated Guest.
- All drinks will be a measure-pour, unless otherwise specified by your Paisano/Manager.

### Don't Forget That

- Many Guests consume alcohol prior to arriving at Buca di Beppo.
- The only way to reduce intoxication is to allow the liver sufficient time to process the alcohol in the body. Time is the only cure for intoxication.
- One drink is typically defined as:
  - 12 oz beer containing 5% Alcohol by Volume
  - 5 oz wine containing 12% Alcohol by Volume
  - 1.5 oz of 80 proof liquor containing 40% Alcohol by Volume
  - approx. 0.6 oz of pure alcohol (ethyl alcohol)
- The average person's liver can only process approximately 1 drink per hour.
- Our alcohol pours are:



Short Beer: 14 oz



Tall Beer: 22 oz



Wine Glass: 6 oz

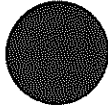


Shot of liquor: 1.25 oz

## Alcohol Awareness

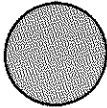
### Stop Sign Technique

The following technique is provided as a means of educating you on responsible service of alcohol.



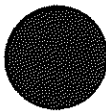
#### **Red Light (Stop Service)**

- **SIGNS:** Guest is slurring speech, experiencing difficulty with coordination, stumbling, using vulgar language/gestures
- **WHAT TO DO:** Discretely Notify the Paisano/Manager, stop service and inform the Guest, suggest non-alcoholic beverages



#### **Yellow Light (Slow Down)**

- **SIGNS:** Guest is unusually loud/quiet, experiencing mood swings, annoying other Guests
- **WHAT TO DO:** Slow down service, make food suggestions, wait for entire party to finish the round before offering another beverage, discretely notify support team members, and notify your Paisano/Manager.



#### **Green Light (Safe to Serve)**

- Check identification for any Guest who looks younger than 40 years of age. Chat briefly with Guest about menu options or pairings in order to ascertain level of sobriety.

### Identification Policy

Anyone, male or female, Guest or employee, that appears to be under the age of 40, must be asked to show proof of age. For verifying proof of age, we accept passports, driver's licenses, as well as, state and military issued I.D. cards.

If there is any doubt, whatsoever, as to the validity of an I.D., refer to the I.D. Checking Guide or consult with the Manager on duty. Remember, your responsibility is not only to Buca di Beppo and your community, but also to yourself. The consequences for not following these principles could involve personal, criminal liability as well as termination.

We don't want our guests to feel like criminals, so always remain pleasant and polite, keeping in mind how you've felt when you've been carded. Remember, underage guests will one day be of legal drinking age and we would like them to feel welcome to return.

## Alcohol Awareness

### Verifying Valid Identification

You must card EVERY guest who looks Forty or younger!

- When checking an ID, you must verify the following information:
  - That the ID verifies the guest is OVER 21
  - That the ID is valid.
  - That the ID has not been issued to a minor
  - That the ID is genuine
  - That the ID belongs to the Guest
- A valid ID has all of the following:
  - The owner's birth date
  - Expiration date
  - The owner's signature
  - The owner's photo
  - It's intact and the lamination is not peeling



### Determining if an ID has been issued to a minor

All states add special features on a minor's ID to make underage Guest's easy to spot. These include:

- Designated colors: Titled bars, photo backdrops, outlines and borders around photo
- Text: Most states will include the words "under 21" or "under 21 until 00-00-0000" on the ID
- Layout Features: Photo placement, format of the ID, ghost photo images

Check with your Manager or the ID checking guide that shows state by state what a valid ID looks like.

## Alcohol Awareness

### Discontinuing Service to the Guest

We are liable for the care, custody and control of every Guest. As such, it is OUR RESPONSIBILITY to ensure that we are promoting responsible alcohol consumption. As the host of the Guest's experience, it is your duty to prevent a Guest from consuming an amount of alcohol that would prevent them from safely operating a motor vehicle. In the event that you misjudge the Guest's level of intoxication and they consume too much alcohol, you will need to discontinue service to the Guest. We realize that refusing to serve a Guest can be a challenging responsibility, but do not ask your Paisano/Manager to "cut off" your Guest unless you feel it is absolutely the best way to handle the situation. You are their host; sometimes a Paisano/Manager's interference will only embarrass the Guest or make the Guest hostile.

Below is a list of ideas to assist you in dealing with a yellow or red light situation:

- Always consult with your Paisano/Manager before you refuse to serve a Guest.
- Do not use terminology or body language that judges, condescends or embarrasses.
- Do not use emotionally charged adjectives such as "drunk", "loaded", "bombed", "trashed", "hammered", etc.
- Do not laugh at the Guest.
- Do not appear frustrated, annoyed or be drawn into explanations or arguments.
- Discretely communicate the situation with the Guest, your support staff, and your Paisano/Manager.
- Be creative with your approach:
  - "It is my job to protect you as a Guest."
  - "I am sorry; it is illegal for me to serve you another drink."
  - "I want you back as a Guest."

Do not send an intoxicated Guest on the road! If the guest has a friend or dining companion present, that individual should be asked to drive the guest home. If this is not possible, Buca di Beppo will make the necessary arrangements for the guest to get home safely, which may include calling a taxi or assisting Guest in contacting a friend or relative.

**UNDER NO CIRCUMSTANCE SHOULD AN INTOXICATED GUEST BE ALLOWED TO DRIVE.**

Should a guest ignore our suggestions not to drive, management will alert the police. Never attempt to physically restrain a guest or detain a guest on the premise.



POLICE DEPARTMENT

David Rahinsky  
Chief of Police



Dr. Ken Moore  
Mayor

Eric S. Stuckey  
City Administrator

February 26, 2014

TO: Chief David Rahinsky *DR*

THRU: Lt. Joann Willhite *JW*

FROM: Mary Casteel  
Mary Casteel, Communications Support Coordinator

SUBJECT: Beer Board Background Checks

A check of Franklin Police Department records was completed on Troy Andrew Turek, Managing Agent for Bucca di Beppo 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: 2-25-14  
TO: POLICE CHIEF  
FROM: CHRISTY MCCANDLESS, ACCOUNT MGMT SUPERVISOR  
RE: RECORDS CHECK FOR APPLICATION FOR BEER PERMIT  
BEER BOARD MEETING DATE 3-11-14

- Applicant is requesting a temporary permit. Please return ASAP.
- Please return by 3-3-14 to provide information for Beer Board meeting agenda.

Name of Business Buca di Beppo  
Location of Business 1722 Galleria Blvd  
Name of applicant Buca Restaurants Inc.  
Managing Agent \_\_\_\_\_  
Drivers License \_\_\_\_\_ State \_\_\_\_\_  
Date of Birth \_\_\_\_\_ c. # \_\_\_\_\_

- 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