BEFORE THE BEER BOARD OF THE CITY OF FRANKLIN, TENNESSEE

IN THE MATTER OF	)	
	)	
The Tin Roof II	)	
9135 Carothers Pkwy #100	)	
Franklin, TN 37067	)	**CASE NO. 20-01**
	)	
BEER PERMIT NO. 06-24	)	
	)	

NOTICE OF VIOLATION AND ORDER TO SHOW CAUSE

PERMITTEE/OWNER:

T.R. Franklin, Inc.
9135 Carothers Pkwy, Suite 100
Franklin, Tennessee 37067

COPY TO: Managing Agent

Kyle McPhee
143 Golden Meadow Lane
Franklin, TN 37067

COPY TO: Registered Agent

Jason Sheer
Registered Agent for T.R. Franklin, Inc.
9135 Carothers Pkwy, Suite 100
Franklin, Tennessee 37067

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 **Thursday, October 8, 2020, at 11:00 a.m., in the City Hall Boardroom at the City of Franklin City Hall** 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 Tin Roof II 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. The incidents upon which this citation are based have occurred from January 1, 2020 to present, 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:

Since January 1, 2020, actions by the Franklin Police Department ("FPD") have been required at the Tin Roof II, that illustrate The Tin Roof II has become an establishment that routinely generates criminal activity, such as assaults, disorderly conduct, driving under the influence, public intoxication, public indecency, and vandalism. More recent calls to the FPD include calls for incidents involving sexual assault, disorderly conduct, DUI, assault, and public intoxication, among others. The Tin Roof II has also become a place which either does facilitate or has a high likelihood to facilitate the use, distribution, and sale of controlled substances.

Included here is a more detailed list:

1. From 1/1/20 through 8/31/20 approximately 162 calls for service were generated with the FPD relating to Tin Roof II, of which 133 were generated from 5/2/20 thru 8/31/20.
2. From 1/1/20 thru 8/31/20, Franklin PD generated approximately 47 criminal reports related to Tin Roof II, of which 41 were generated from 5/2/20 thru 8/31/20. The generated reports are as follows:
   a. Eight (8) Simple Assaults;
   b. Two (2) Aggravated Assaults;
   c. Eighteen (18) Driving Under the Influence offenses;
   d. One (1) Rape;
   e. Seven (7) Disorderly Conducts;
   f. Three (3) Thefts;
   g. One (1) Public Indecency;
   h. One (1) Vandalism;
   i. One (1) Simple Possession of Marijuana;
   j. One (1) Possession of a Firearm while Intoxicated; and
   k. Four (4) Public Intoxication.
3. In addition, between 9/1/2020 and 9/26/2020, FPD generated 15 criminal reports related to Tin Roof II, several of which are on-going investigations. The generated reports are as follows:
   a. Five (5) Drug Related Offenses:
      i. One incident involved possession with intent to sell 40 grams of Methamphetamine in which the person had left from Tin Roof II.

ii. One incident involved a driver who had just left Tin Roof II, had a cup of Vodka Cranberry from Tin Roof II that had dumped onto the floor of the vehicle, and possessed 0.5 grams of cocaine.

b. Four (4) Public Intoxication offenses, including one that also involved criminal trespass and another that also involved disorderly conduct.

c. (1) Disorderly Conduct,

d. Two (2) incidents of Driving Under the Influence, including one that also involved the assault of a law enforcement officer.

e. One (1) Assault; and

f. Two (2) Sexual Assault/Rape offenses.

4. On or about August 3rd, 2020, social media user @bringle111 posted a video of lewd sex acts being performed within Tin Roof II between this person and two females.

5. FPD observed Tin Roof II not following COVID-19 Guidelines pertaining to 50 percent capacity and social distancing and were exceeding their normal maximum occupancy of 165 people within the building of Tin Roof II and 75 people in, including the following incidents. Through these actions, Tin Roof II violated Executive Order 38 by failing to adhere to the State Economic Recovery Group Guidelines Tennessee Pledge.

a. On 8/7/2020, FPD observed these violations and provided a verbal warning to Tin Roof 2 of such violations on 8/7/2020.

b. On 9/4/2020, FPD observed these violations.

c. On 9/4/2020, FPD observed admission lines into Tin Roof II extending across and into the street of an adjacent Starbucks parking lot.

The Franklin City Attorney put the Registered Agent for the Permittee/Owner on notice of these problems and the criminal activity taking place at The Tin Roof II by letter dated August 26, 2020. Nevertheless, the calls to the FPD due to criminal activity at the Tin Roof II continued and continue to the present day.

All of these activities constitute a public nuisance, 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.

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 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 be considered, 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: October 2, 2020

Clyde Barnhill

Clyde Barnhill, Alderman
Chairman

cc: Beer Board Members
Assistant City Attorney, William E. Squires
J. Lawrence Sullivan, Board Administrator
Police Chief Deborah Faulkner

I HAVE SERVED A COPY OF THIS NOTICE ON THE PERMIT HOLDER/ OWNER AND/OR ITS REGISTERED AGENT, JASON SHEER, BY HAND-DELIVERY ON October 2, 2020.

J. ALEXANDER
FRANKLIN POLICE OFFICER

Received by: Jason Sheer
(Print Name)

Signature:

I HAVE SERVED A COPY OF THIS NOTICE ON THE MANAGING AGENT, KYLE MCPHEE, BY HAND-DELIVERY ON October 2, 2020.

A. Alexander

FRANKLIN POLICE OFFICER

Received by: KYLE MCPHEE

(Print Name)

Signature: Kyle