

17-16

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   /  /17  

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

1. Applicant (Owner) Jim N Nicks Nashville II, LLC

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.

Jim N Nicks Management, LLC 100% Owner, 1350 Lakeshore Drive, Suite 160,  
Coppell, TX 75019

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?  
Jim 'N Nick's Bar-B-Q Cool Springs

5. Location of the business by street address.  
3068 Mallory Lane, Franklin, Tennessee 37067

Phone number of the business (615) 771-3939

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 \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

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 Marcia Hampton Title Tax Manager

Mailing Address 1350 Lakeshore Drive, Suite 160

City, State, Zip Coppell, TX 75019

Daytime contact phone number 214-873-6241

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 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.

JNN Coolsprings, GP; 3755 Corporate Woods Dr., Birmingham, AL 35242

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

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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.

n/a

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

Same entity, change of parent company

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

Applicant and its owner operate multiple full service restaurants across the

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United States

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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? n/a

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 training procedure

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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.*

JIM N NICKS NASHVILLE II, LLC

By: \_\_\_\_\_

Signature of Applicant/Owner (or Authorized Corporate Officer)  
Brian Lyman, COO

On behalf of: Jim N Nick's Bar-B-Q Cool Springs  
Name of Business Entity

Sworn to and subscribed before me this 9<sup>th</sup> day of May, 20 17

Mellanie Sosnowchik  
Notary Public

My Commission Expires: \_\_\_\_\_

MELLANIE SOSNOWCHIK  
Notary Public  
ALABAMA STATE AT LARGE  
My Commission Expires: March 30, 2021

Official Use Only

Application Fee \$ 250.00 Date Paid 5-11-17

Privilege Tax \$ 58.00 Date Paid 5-11-17

Board Meeting Date Le, 13, 17

**List of Owners/Officers**

**of**

**Jim N Nicks Nashville II, LLC**

Jim N Nicks Management, LLC  
100% Member  
1350 Lakeshore Drive, Suite 160  
Coppell, TX 75019

Nareg Esayan  
President & Secretary  
0% Owner  
95 Horatio Street, Apt. 7K  
New York, NY 10014

Bryan Lyman  
Chief Operating Officer  
0% Owner  
211 E. Edgewood Drive  
Homewood, AL 35209

Christie Hill  
Sr. VP, Secretary and Treasurer  
0% Owner  
701 Mandalay Bay Drive  
Lewisville, TX 75056

# RESPONSIBLE ALCOHOL SERVICE

You should be aware of the local liquor laws regarding legal drinking age, acceptable ID's and serving minors. The legal drinking age is **21**. Any person attempting to purchase alcoholic beverages who appears to be under the age of 30 must produce an acceptable form of identification. If there is the slightest doubt about whether or not the guest is of legal age, ask to see an ID. Do not take the word of a regular guest or friend. Check for yourself. When carding someone, be pleasant and polite, but firm.

## Proper ID's

There are only three forms of acceptable identification. If a guest appears to be under the age of 30 (thirty), you must by law check the identification of that guest. The following are the acceptable identification forms:

1. A valid, current driver's license of any state, which contains a date of birth and photograph of the person presenting the identification.
2. A valid, current special identification card issued by any state for the purpose of identification containing a date of birth and photograph of the person presenting the card (i.e. state ID)
3. A valid, current military or federal identification card issued by the federal government for the purpose of identification containing a date of birth and photograph of the person presenting the card (i.e. military or passport)

Each form of identification listed above must on its face establish the age of the person as 21 years of age or older. There must be no reason to doubt the authenticity or correctness of the identification. No form of identification mentioned above shall be accepted as proof of age if it is **EXPIRED, DEFACED, MUTILATED, OR ALTERED**. An educational institute identification card, check cashing card, birth certificate, or employee verification card is **NOT** considered lawful identification for the purchase of alcohol.

## **How Alcohol Affects the Body**

The amount of alcohol absorbed into the bloodstream is BAC – Blood Alcohol Content

- The BAC limit in most states is .08.
- .08 is the equivalent to one drop of alcohol in 800 drops of blood.
- .30 could cause a coma and .40 could cause death
- Alcohol enters the body through the mouth going through the esophagus into the stomach area.
- The stomach releases alcohol into the bloodstream.
- Alcohol in the bloodstream occupies oxygen space causing light-headedness, slurred speech, and other symptoms of intoxication.
- Blood then travels to the liver where it is oxidized – or “cleaned” by the liver – and then released back into the bloodstream.
- If the stomach absorbs too much alcohol, a backup results.
- After the first hour of drinking, the liver can oxidize only one drink per hour.
- If alcohol backs up into the bloodstream, it will be distributed throughout the body, i.e. brain, heart, lungs.
- When alcohol is sent to the brain, the person shows signs of intoxication.

# FRONT OF HOUSE BAR TRAINING

## Responsible Alcohol Service

# RESPONSIBLE ALCOHOL SERVICE

## Myths to Sobriety

- Drinking coffee will sober the individual – Coffee merely stimulates the intoxicated individual. At best, an intoxicated person drinking a non-alcoholic beverage, such as coffee, will stop drinking alcohol and increase the amount of liquid in his or her body – allowing some time to pass before doing other activities, such as driving.
- Taking a cold shower – It will only make the person cold and wet.
- Exercising – It does not change the process of alcohol absorption. The Truth: **ONLY TIME SOBERS**

## Risk Factors That Increase the Rate of Absorption

- Empty Stomach
- Low tolerance – not much of a drinker, does not normally drink
- Gulping instead of sipping
- Taking medication
- Frame of mind – happy go lucky drinker or depressed and needing a drink
- Male or Female – females normally absorb alcohol into the bloodstream faster because they are smaller and tend to have more body fat. Body fat does not absorb alcohol and as a result it is quickly released into the bloodstream
- Carbonated beverages – quickly pass into the stomach, enter the small intestine and quickly absorb into the blood stream

## Factors That Decrease the Rate of Absorption

- Slow service
- Food in the system – High protein fatty foods slow absorption process
- Size of the individual – A large person will not absorb alcohol as quickly
- You may be able to buy time with non-alcoholic beverages – getting a guest to drink non-alcoholic drinks instead of alcoholic drinks

## Alcohol's Effect on the Body

The human body is very sensitive to alcohol absorbed into the bloodstream. Only a small amount is needed for a person to experience a pleasant glow or relaxed inhibitions.

An inhibition is a mental or psychological process that restrains or suppresses a person's emotions, actions, or thoughts.

A guest's BAC can continue to rise even after he or she stops drinking and leaves your establishment. Although the guest appears fine when leaving, he or she can become intoxicated while driving home. For a guest's safety, do not serve doubles or drinks containing two or more liquors, such as Long Island Iced Teas, Martinis or Manhattans at last call.

# FRONT OF HOUSE BAR TRAINING

## Responsible Alcohol Service

# RESPONSIBLE ALCOHOL SERVICE

## Food

Offering food with alcoholic beverages is important. Guests who are relaxing and enjoying food may not be drinking as much or as quickly.

In general, food slows the absorption of alcohol into the small intestine. This delay gives the liver more time to break down the alcohol in the person's bloodstream.

Food also helps protect the stomach from alcohol irritation. The foods that work best at slowing alcohol absorption are fatty, high-protein foods. The following are some foods that will help slow alcohol's absorption:

Chicken Wings

Chips

Chicken Tenders

Sugars and carbohydrates digest quickly and do not help slow the absorption of alcohol into the bloodstream – they actually can speed alcohol's absorption. Very salty foods stimulate thirst and can lead a guest to drink more alcohol.

## Water

Water dilutes alcohol and relieves thirst. Water should be served with all alcohol beverages.

## Rapid or Erratic Absorption

Some people are considered high-risk when consuming alcohol beverages:

- Someone under stress or depressed
- A temporary lining coats the stomach of a nervous person to protect it from excess acid. The person can consume alcohol and it is contained within the stomach. Eventually the temporary lining dissolves and the alcohol quickly moves into the small intestine and into the bloodstream causing the person's BAC to quickly rise.
- Someone dieting may not have eaten for a while and won't want to order food. Alcohol will move quickly into the bloodstream.
- Fatigue also causes alcohol to be quickly absorbed – affecting one's judgment

## Tolerance

The ability to endure the effects of alcohol without exhibiting the usual symptoms is tolerance. An experienced drinker can consume a lot of alcohol without feeling or showing its effects. He or she usually has learned to hide the effects, even after becoming legally intoxicated.

Inexperienced drinkers can show signs of intoxication before they are legally intoxicated because their bodies are unaccustomed to alcohol and sensitive to smaller amounts. Always monitor your guests to avoid over-serving.

## Medications

Over the counter and prescription medications can strongly influence the effects of alcohol. Certain drugs, such as cold tablets, allergy medications, tranquilizers, high blood pressure medications and antihistamines depress the body's central nervous system.

Alcohol can further interfere with the body's metabolism of some medications, causing the drugs to build up in the body instead of breaking down. These reactions magnify the impact of both the drug and the alcohol. For example, a combination of alcohol and barbiturates or tranquilizers can be fatal.

# FRONT OF HOUSE BAR TRAINING

## Responsible Alcohol Service

# RESPONSIBLE ALCOHOL SERVICE

## Illegal Drugs

Illegal drugs are dangerous when mixed with alcohol. Do not serve a guest who appears to be under the influence of illegal drugs or allow the guest to drive away from the premises. Immediately contact your manager if you suspect illegal drug activity in your restaurant.

## Behavioral Signs of Alcohol Absorption

### Significant Behavioral Changes

A change in behavior is more significant than the actual behavior. There is a significant difference between a guest who is loud and boisterous upon arrival and a guest who is quiet upon arrival and then becomes loud and boisterous after a few drinks.

### Relaxed Inhibitions

When alcohol first reaches the brain, a guest's normal inhibitions can become relaxed. A person may say or do things he or she normally would not. Signs of relaxed inhibitions:

- Becoming overly friendly to employees or guests
- Becoming detached, brooding, or quiet
- Suddenly leaving a group of friends and drinking alone
- Suddenly annoying other guests or using foul language
- Becoming loud and making rude comments about other people

### Impaired Judgment

As a guest consumes more alcohol the brain's control of emotion and judgment is affected. The guest's ability to make sensible decisions can be hindered. He or she may not realize that in this condition it is unsafe to drive a vehicle.

Examples of impaired judgment:

- Becoming angry, tearful, or extremely emotional.
- Complaining about the strength of a drink after having consumed others of the same strength without complaining.
- Drinking faster or switching to larger or stronger drinks.
- Making irrational or argumentative statements.
- Becoming careless with money, such as buying drinks for strangers.

### Slowed Reaction Time

After a person consumes a considerable amount of alcohol, his or her reaction time and responses become slower. The person may appear to be moving in slow motion and exhibit the following signs:

- Loss of concentration, memory and the ability to think clearly
- Drowsiness
- Inability to focus eyes and loss of eye contact
- Slurred speech

# FRONT OF HOUSE BAR TRAINING

## Responsible Alcohol Service

# RESPONSIBLE ALCOHOL SERVICE

## Impaired Motor Coordination

After consuming a considerable amount of alcohol, motor skills are severely affected. Signs of ataxia, the inability to coordinate voluntary muscle movement, including loss of balance and coordination, are present.

Signs of ataxia:

- Staggering or stumbling
- Falling down or bumping into chairs
- Inability to pick up money off of a table
- Spilling drinks
- Dazing or swaying when seated

Remember: Observation and good customer service are keys to evaluating how alcohol is affecting a guest. Certain disabilities and physical conditions can cause a guest to stumble, slur his speech or have difficulty concentrating. An unobservant server may believe these are signs a guest is intoxicated.

## 3<sup>rd</sup> Party Liability

### Employee Liability

Third – Party Liability states that an establishment and its employees may be held liable if an individual is served in the establishment to the point of intoxication and then causes injury to another person, death of another person or property damage.

Third party liability can apply to various injuries that an intoxicated individuals causes.

- 1<sup>st</sup> Party – Injured person
- 2<sup>nd</sup> Party – Person committing crime
- 3<sup>rd</sup> Party – Jim 'N Nick's and Employees

If a drunk driver who was served alcohol at your establishment injures a person, then you and your establishment can be liable for damages sustained by the person even if you or your establishment did not directly cause the injury.

In some states, the laws governing third-party liability in alcohol-related cases are known as dram shop laws. The term originates from Old English laws in which taverns were referred to as dram shop.

Dram Shop Laws hold a liquor-serving establishment liable if they served beverage alcohol to a guest who leaves intoxicated and then injures another person.

# FRONT OF HOUSE BAR TRAINING

## Responsible Alcohol Service

POLICE DEPARTMENT

Deborah Y. Faulkner, EdD  
Chief of Police



Dr. Ken Moore  
Mayor

Eric S. Stuckey  
City Administrator

October 24, 2014

TO: Chief Deborah Y. Faulkner *df*

FROM: Mary E. Casteel  
Mary E. Casteel, Communications Support Coordinator

SUBJECT: Beer Board Background Checks

A check of Franklin Police Department records was completed on Joshua R. Jennings, Managing Agent for Jim 'N Nick's Bar-B-Que Cool Springs and found to be clear.

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

Requested by: Christy McCandless

City of Franklin

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

DATE: 5-11-17  
TO: POLICE CHIEF  
FROM: CHRISTY MCCANDLESS, ACCOUNT MGMT SUPERVISOR  
RE: RECORDS CHECK FOR APPLICATION FOR BEER PERMIT  
BEER BOARD MEETING DATE 6-13-17

- Applicant is requesting a temporary permit. Please return ASAP.
- Please return by 5-18-17 to provide information for Beer Board meeting agenda.

Name of Business Jim 'N Nick's Bar-B-Q Cool Springs

Location of Business 3068 Mallory Ln.

Name of applicant Jim N Nicks Nashville II, LLC

Managing Agent

Drivers License #

Date of Birth



- 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

# City of Franklin

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

DATE: 5-11-17  
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

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Beer Board Meeting Date 6-13-17

Name of Business Tim 'N Nick's Bar-B-Q Cool Springs (change of ownership)

Location of Business 3068 Mallory Ln

## CODES DEPT

  
\_\_\_\_\_  
Building Inspector

5/16/17  
\_\_\_\_\_  
Date

## FIRE DEPT

\_\_\_\_\_  
Fire Inspector

\_\_\_\_\_  
Date

**City of Franklin**

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

DATE: 5-11-17  
TO: **CODES DEPT**  
~~**FIRE DEPT**~~  
FROM: **CHRISTY MCCANDLESS, ACCOUNT MGMT SUPERVISOR**  
RE: **BUILDING INSPECTIONS FOR APPLICATION FOR BEER PERMIT**

- ON PREMISES PERMIT
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Location of Business 3068 Mallory Ln

**CODES DEPT**

\_\_\_\_\_  
Building Inspector

\_\_\_\_\_  
Date

**FIRE DEPT**

*Joseph B Dye*  
Fire Inspector

5/16/17  
Date