

STATE OF TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

IN THE MATTER OF:

**TENNESSEE ALCOHOLIC BEVERAGE
COMMISSION,
Petitioner**

v.

**TARBOOSH OF CLARKSVILLE, LLC
D/B/A TARBOOSH
117 FRANKLIN STREET
CLARKSVILLE, TENNESSEE 37040
LICENSE NO. LBDRST-MTG-1801384,
Respondent**

DOCKET NO. 33.01-202684J

**ORDER OF SUMMARY SUSPENSION
OF RESPONDENT'S LICENSE**

Respondent Tarboosh of Clarksville, LLC, doing business as Tarboosh, is licensed by the Tennessee Alcoholic Beverage Commission (TABC) as a full service liquor-by-the-drink restaurant. The TABC has filed a notice of hearing seeking the revocation of Respondent's license. The facts alleged in the notice of hearing, which is attached to and incorporated in this order, support a finding that Respondent poses a risk to public health, safety, or welfare. Furthermore, the TABC finds that those alleged facts imperatively require emergency action to protect public health, safety, or welfare. Pursuant to Tennessee Code Annotated section 4-5-320(c), the TABC issues this Order of Summary Suspension of Respondent's License.

It is hereby ORDERED that Respondent's license number LBDRST-MTG-1801384 is SUSPENDED EFFECTIVE IMMEDIATELY. Accordingly, selling, serving, or otherwise

dispensing alcoholic beverages is prohibited. Failure to comply with this order constitutes a criminal offense under Tennessee Code Annotated sections 57-4-203(i) and 39-17-702.

Pursuant to Tennessee Code Annotated section 4-5-320, Respondent has the opportunity for an informal hearing, review, or conference before the TABC within seven business days of the issuance of this order for summary suspension. Respondent may request an informal hearing by contacting TABC Paralegal Sean Atkins via e-mail at Sean.J.Atkins@tn.gov or phone at 615-253-1352.

This Order of Summary Suspension of Respondent's License entered and effective the 11th day of August, 2020.



Russell Thomas
Executive Director
Tennessee Alcoholic Beverage Commission
Davy Crockett Tower, 3rd Floor
500 James Robertson Parkway
Nashville, TN 37243

STATE OF TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

IN THE MATTER OF:)	
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TENNESSEE ALCOHOLIC BEVERAGE COMMISSION,)	
Petitioner)	
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v.)	DOCKET NO. 33.01-202684J
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TARBOOSH OF CLARKSVILLE, LLC)	
D/B/A TARBOOSH)	
117 FRANKLIN STREET)	
CLARKSVILLE, TENNESSEE 37040)	
LICENSE NO. LBDRST-MTG-1801384,)	
Respondent)	

AGREED ORDER

As evidenced by the signatures of counsel for the Tennessee Alcoholic Beverage Commission (TABC), Ryan Mercurio, and counsel for Respondent, Wayne Hibbeler, it was determined that:

1. Respondent admits the TABC has jurisdiction over the matters herein contained.
2. On August 11, 2020, the TABC entered an order of summary suspension of Respondent’s license and filed a notice of hearing seeking to revoke Respondent’s license. The notice alleged multiple violations, including violations of:
 - a. Executive Order No. 38 by the Governor of the State of Tennessee;
 - b. Executive Order No. 9 by the Mayor of Montgomery County, Tennessee;
 - c. Executive Order No. 10 by the Mayor of Montgomery County, Tennessee;
 - d. Executive Order No. 11 by the Mayor of Montgomery County, Tennessee;

- e. Executive Order No. 12 by the Mayor of Montgomery County, Tennessee;
 - f. Executive Order No. 13 by the Mayor of Montgomery County, Tennessee;
 - g. Code of the City of Clarksville Section 10-101 for failing to adhere to Executive Orders 9 to 13;
 - h. Tennessee Code Annotated section 57-3-104(c)(6) for using parts of the premises as a subterfuge or means of evading the rules and regulations of the commission;
 - i. TABC Rule 0100-01-.03(4) for refusing to disclose records or furnish information to the TABC;
 - j. TABC Rule 0100-01-.03(6) for failing to maintain the licensed establishment in compliance with all laws;
 - k. TABC Rule 0100-03-.13 for failing to keep all records of all purchases and sales of alcoholic beverages; and
 - l. Tennessee Code Annotated section 4-5-320(c) for posing a risk to public health, safety, or welfare.
3. In resolution of the alleged violations, Respondent acknowledges that it is in Respondent's best interest to resolve the matter by this Agreed Order.
 4. In resolution of the alleged violations, Respondent agrees to a suspension of its TABC license for six (6) months.
 5. The suspension shall begin on Tuesday, September 1, 2020 at 12:01 a.m. and shall conclude on Sunday, February 28, 2021, at 11:59 p.m.
 6. On days of suspension, no sales of alcoholic beverages shall occur, no orders for alcoholic beverages shall be placed with wholesalers, and no deliveries of alcoholic beverages shall

be accepted. The term “alcoholic beverages” is used in this paragraph as it is defined at Tennessee Code Annotated section 57-4-102(1).

7. Respondent further agrees that for the six (6) months immediately following the suspension, above, Respondent shall submit to the TABC on a monthly basis, via hand delivery to a TABC officer, documents that reflect Respondent’s food and alcoholic beverage sales, including but not limited to:
 - a. Food, wine, liquor, and beer vendor receipts;
 - b. Cash register tapes, daily records, and sales receipts of food and alcoholic beverage sales that specifically indicate the type and amount of alcoholic beverages and food sold; and
 - c. Door charges, cover charges, and any similar charges for entry to Respondent’s establishment.
8. Respondent further agrees that after the suspension, above, expires, it shall hire or employ a sufficient number of “security guards/officers” as defined in T.C.A. section 62-35-102 to ensure adequate security at Respondent’s establishment on weekend nights including Thursday, Friday, and Saturday when there is a DJ, an event, or on days where door money is being collected, beginning at 9:00 P.M. until closing for the night.
9. Respondent agrees that the finding of a violation of the terms of this Agreed Order, after any appropriate hearing or proceeding, shall result in the revocation of the license.
10. This Agreed Order serves as notice that the alleged violations may be used to enhance the penalty in any future proceedings on other violations committed by Respondent.

11. Respondent waives all rights to a hearing and appeal under the provisions of the Uniform Administrative Procedures Act at Tennessee Code Annotated sections 4-5-101 *et seq.* and Title 57 of the Tennessee Code Annotated.

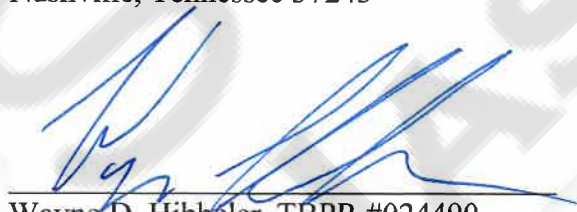
It is therefore ordered that the settlement of this matter is by consent without having afforded either party the opportunity for a contested case hearing held pursuant to the Tennessee Uniform Administrative Procedures Act.

Entered into this 27 day of August, 2020.

Approved for entry by:



Ryan Mercurio, BPR #36874
Commission Counsel
Tennessee Alcoholic Beverage Commission
Davy Crockett Tower, 3rd Floor
500 James Robertson Parkway
Nashville, Tennessee 37243



Wayne D. Hibbeler, TBPR #024490
Attorney for Respondent
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