

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION  
LIQUOR BY THE DRINK/PRIVATE CLUB  
REPORT OF VIOLATION

DATE: 11/11/11

RI:11-1281

TO: Mark Hutchens - CLEO

FROM: Kim Boleyn, SA II KB

BUSINESS NAME: The 807

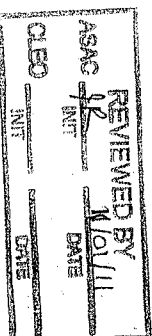
ADDRESS: 807 Market St.

CITY/ZIP: Chattanooga 37402

LICENSE NO.: 14,977

EXPIRATION DATE: 11/8/11

MANAGER/CLERK: (ON DUTY): N/A



**STATE LAWS:**

- Warning Signs at Retail Establishments (Pregnancy Sign) TCA 57-1-211
- Restaurant Requirements (Seating Days of Operation) 57-4-102(29)(A)
- Expiration of Licenses TCA 57-4-201 [Ref: TCA 57-3-213]
- Exterior Signs TCA 57-4-203(a)
- Sales To Minors Prohibited TCA 57-4-203(b)(1)(A){Liquor}
- Sales To Minors Prohibited TCA 57-4-203(b)(1)(B){Beer}
- Selling to Intoxicated Customer TCA 57-4-203(c)
- Hours of Sale TCA 57-4-203(d)
- Restrictions on Sealed or Unsealed Packages, or Gifts TCA 57-4-203(e)
- Ownership of Alcoholic Beverages Sold TCA 57-4-203 (g)
- Server Permit Violation TCA 57-4-203(h)
- Prohibited Sexual or Pornographic Conduct TCA 57-4-204
- Buying Liquor From Non-Wholesaler TCA 57-3-404(b)
- Possession Gambling Device(s) TCA 39-17-505(a)
- Health Inspection Displayed TCA 68-14-317(d)
- Delinquent in Filing and/or Paying LBD Taxes Three (3) Times During Licensed Year TCA 57-4-304(b)(1)
- Collection of Taxes, Bond of Licensee TCA 57-4-302 (3)(A)
- Other:

**RULES & REGULATIONS:**

**Liquor By the Drink:**

- Advertising 0100-1-.01
  - Business Management Restricted 0100-1-.03(1)
  - Consumption on Licensed Premises 0100-1-.03(2)
  - Free Access to Licensed Premises 0100-1-.03(3)
  - Refusal of Cooperation 0100-1-.03(4)
  - Licensees Not to Combine 0100-1-.03(5)
  - Sanitary And Fire Standards 0100-1-.03(7)
  - On-Premises Sale By Bottle Restricted 0100-1-.03(8)
  - On-Premises Employees' Activities Restricted 0100-1-.03(9)
  - Restriction As To Age of Dispensing Employees 0100-1-.03(10)
  - Dual Interests Prohibited 0100-1-.03(11)
  - License Surrender if Business Discontinued 0100-1-.03(13)
  - Prohibited Practices 0100-1-.03(14)
  - Happy Hour Restrictions 0100-1-.03(15)
  - Business Name Change 0100-1-.03(16)
  - Display of License 0100-1-.03(17)
  - Seating 0100-01.03(19)
  - Limitation on Credit Sales 0100-6-.04
  - Other: Licensee Responsible for Law and Order on Licensed Premises
- Private Club:**
- Change of Manager 0100-1-.05(4)
  - Membership Application Procedures 0100-1-.05(7)(a);
  - Complete Membership Roster 0100-1-.05(8)(a)
  - Dispensing to Non-Members 0100-1-.05(8)(c)
  - Membership (100 Members) 0100-1-.05 (8)(f)
  - Use of DBA Name 0100-1-.05 (8)(g)
- Caterer:**
- Catering License 0100-01-.06(1)
  - Server's Permit Card 0100-01-.06(2)
  - LBD Where Such Sales Authorized 0100-01-.06(3)
  - Alcohol without Food 0100-01-.06(4)
  - Notice of Catered Event 0100-01-.06(5)
  - Alcohol Transportation 0100-01-.06(7)
- Special Occasion Permits:**
- Two Week Notice 0100-01-.07(2)

NARRATIVE (Should include all pertinent facts and details relating to violation for which cited): **SEE ATTACHED NARRATIVE**

The 807  
807 Market St.  
Chattanooga, TN 37402  
Permit # 14,977

RI-11-1281

**Licensee Responsible For Law and Order on Licensed Premises 0100-01-.03(6)**  
**{Chattanooga City Ordinance: Violation of Section 5-82-1, Operates a Disorderly Place}: On 8/26/11 at approximately 2:45a.m., police were parked outside The 807 with emergency lights activated while the establishment was closing for the night. Several parties came out of the establishment in a disorder with each other. Several parties then broke into a fight right beside the police car. At that time, Kelvin Watkins was taken into custody. Police then began to separate the rest of the parties involved in the fight. They all began fighting each other all down E 8<sup>th</sup> Street and the surrounding area. There were several fights where people were on the ground surrounded by a group of people and being beaten. Multiple officers responded to the area and arrested 8 people for various charges including assault and disorderly (copy of Complaint #11-081567 attached.)**

The establishment was ordered to appear in front of the Chattanooga Beer Board on September 15, 2011 (copy of letter attached). Kelly Burkett, owner, represented The 807 at the hearing. Officer Adam Cooley stated at the hearing that he was called for backup at the establishment on 8/26/11 at approximately 2:45a.m. There were approximately ten (10) to fifteen (15) people involved in the fights, including a police chase with a male being tazed. Approximately thirty (30) police cars were dispatched to the large disorder. Lt. Eric Tucker stated that police were called to the establishment four (4) times in 2009, two (2) times in 2010, and to date fifty-three (53) times in 2011 with (20) of the calls being for noise. A representative for the River City Company, Kim White was present and testified to the club being a problem for residents due to safety concerns and very loud noise. Letters of concern by area residents were passed to the Board members. Officer John Collins presented facts of problems involving the Fire Marshall due to overcrowding and all chairs being in the back.

Attorney for The 807, Arvin Reingold, stated that the disorder in question occurred sixty feet from the premises and should not be fault of the licensee. Owner, Kelly Burkett verified he has called police after closing due to suspicious activity in the area and he has had no fights inside the club. He further stated that he has the large garage door closed and locked helping with noise control.

The establishment's beer license was suspended for 30 days beginning on September 15, 2011 (copy of September 15, 2011 minutes attached). On 10/12/11 at approximately 7:45p.m., I conducted the LBD renewal inspection for this establishment. During the inspection, I conferred with the cook, Tony Jennings. We discussed the actions the Chattanooga Beer Board took against the Beer License. I advised him that a report would

also be filed with Nashville for (1 count) Licensee Responsible For Law and Order on  
Licensed Premises; Chattanooga City Ordinance: Violation of Section 5-82-1, Operates a  
Disorderly Place.

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION  
LIQUOR BY THE DRINK/PRIVATE CLUB  
REPORT OF VIOLATION

DATE: 11/7/11

RI:11-1282

TO: Mark Hutchens - CLEO

FROM: Kim Boleyn, SA II *KB*

BUSINESS NAME: The 807  
ADDRESS: 807 Market St.  
CITY/ZIP: Chattanooga 37402  
LICENSE NO.: 14,977  
EXPIRATION DATE: 11/8/11  
MANAGER/CLERK: (ON DUTY): N/A

ASAC	<i>KB</i>	REVIEWED BY	<i>11/07/11</i>
CLEO		DATE	
	INT		DATE
	INT		DATE

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- Membership (100 Members) 0100-1-.05 (8)(f)
- Use of DBA Name 0100-1-.05 (8)(g)

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The 807  
807 Market St.  
Chattanooga, TN 37402  
Permit # 14,977

RI-11-1282

**Licensee Responsible For Law and Order on Licensed Premises 0100-01-.03(6)**  
**{Chattanooga City Ordinance: Violation of Section 5-82-1, Operates a Disorderly Place}**: On September 10, 2011 at approximately 2:30a.m., police were parked outside The 807 where there had already been several disorders throughout the night. The establishment turned on their interior lights and immediately when the lights came on, police were able to observe several beer bottles flying through the air inside the bar. Fights and disorders began to break out on the dance floor and around the door area. The security personnel inside had to physically restrain several parties and wrestle them to get them outside. Police were not able to make entry into the building where the fight was occurring due to the large crowd blocking the doorway. Several parties that were involved in the fights inside spilled onto the sidewalk. There were too many involved to be able to arrest everybody. One of the fights started back up at MLK Blvd and Market St where an unknown male was knocked out. He was taken away by ambulance (copy of Complaint #11-087104 attached.)

The establishment was ordered to appear in front of the Chattanooga Beer Board on October 6, 2011 (copy of letter attached). Due to a conflict with the Attorney for The 807, Arvin Reingold, the case was rescheduled for the next meeting on October 20, 2011 (copy of October 6, 2011 minutes attached.)

On October 20, 2011 Kelly Burkett, owner, represented The 807 at the hearing as well as Attorney, Arvin Reingold (copy of October 20, 2011 minutes attached.) Officer Adam Cooley described to the board the events that occurred on September 10, 2011 per complaint #11-087104. Officer Cooley was questioned by the board and Attorney Reingold. Questions were raised regarding whether the "choke point" at the front door is a fire hazard when the establishment is at full capacity. Kelly Burkett, owner, testified that he was on the outside of the club during the bottle incident and stated there was no fight inside the club. Mr. Burkett explained a patron had thrown a bottle into the trash and it bounced onto the floor and shattered. Mr. Burkett added he usually has three (3) security personnel at the outside door and seven (7) on the floor. Mr. Burkett concluded by stating he does not have a problem at his club. It is usually outside or down the street. Mr. Burkett was then questioned by the board and Attorney Reingold. Before a brief recess, Attorney Reingold stated that there is no liability to the club owner of the people that leaves the club.

Attorney Rich Hitchcock, representing Loveman's Homeowner's Association testified and disputed Attorney Reingold's statement of liability regarding Section 5-82 Operates a

disorderly place, arguing that the disorder started on the premises of The 807. Attorney Hitchcock presented video tapes recorded by a resident (not present at the hearing) of the Loveman's building that showed the establishment at three (3) separate times of the night on September 25, 2011. All three clips showed a disorderly place. Attorney Reingold objected to the narrative in the video clips and stated he could not cross examine an affidavit.

Resident's of the Loveman's building were then asked to comment on whether or not the pictures accurately reflect what they are living through (see October 20, 2011 copy of minutes.)

Attorney Hitchcock stated that The 807 does not have a parking lot and that patrons are using the Loveman's building community as their parking lot which causes disorders that spills out into the neighborhood and disturbs the surrounding area. A letter of resolution passed by the business partnership supporting the safety of the citizens of the downtown area was submitted. Attorney Hitchcock requested the revocation of the beer license for The 807.

Attorney Reingold stated that his client was charged with an offense on September 10, 2011 and given a thirty (30) day suspension. (The 30 day suspension was due to an incident that occurred on August 26, 2011 and not September 10, 2011.) He continued by stating that there were no other violations on the premises. They have done everything possible and continue to do everything possible to cooperate with the police. Mr. Burkett doesn't own the sidewalk and it is not his responsibility.

A motion to revoke the beer permit was made and seconded. The motion carried unanimously. Per Attorney Reingold, the licensee appealed the beer board decision in Chancery Court. A date has not yet been set for a hearing. On November 7, 2011 at approximately 2:10p.m., I conferred with the owner, Kelly Burkett and advised him that a report would be filed with Nashville for (1 count) Licensee Responsible For Law and Order on Licensed Premises; Chattanooga City Ordinance: Violation of Section 5-82-1, Operates a Disorderly Place.