Board Authority

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Once appointed, the county beer board may exercise the same discretion as the county legislative body to
grant, deny, suspend or revoke permits to sell beer, and to impose civil penalties, within the limits of the
authority granted by the statutes (and any distance rules or extended hours of operation which may have
been established by resolution of the county legislative body). In discussing the exercise of such
discretion, the courts make no distinction between the county legislative body and the county beer board.
State ex rel. Simmons v. Latimer, 186 Tenn. 577, 212 S.W.2d 386 (1948). However, the beer board is
not authorized to establish distance rules or to extend the hours for the sale of beer; this authority may
be exercised only by resolution of the county legislative body. T.C.A. § 57-5-105.

The county legislative body is authorized to impose training or certification restrictions or requirements on
employees of beer permit holders. Only the county legislative body, and not the beer board, is authorized
to impose these requirements. These requirements cannot be applied to any employee who holds a valid
server permit issued by the ABC under Title 57, Chapter 3, Part 7 (the Alcohol Server Responsibility and
Training Act of 1995). T.C.A. § 57-5-105(j). Once these requirements have been established by
resolution of the county legislative body, the beer board has the authority to administer the provisions of
the resolution within the limits of the authority granted by the resolution. However, counties have no
authority to impose a tax or fee on servers or sellers of beer, for training or for any other purpose, except
as expressly provided by state law. Attorney General Opinions U96-009 (2/8/96) and 97-077 (5/21/97).

A county beer board has the authority to conduct investigations of beer permit holders. In an unpublished
opinion of the Tennessee Court of Appeals, the court found that a beer board was empowered to employ
an undercover investigator after the county sheriff had refused to conduct an investigation concerning
1993). Relying on this opinion, the Attorney General also opined that the beer board may hire a private
investigatory firm to conduct undercover investigations concerning the sale of beer to minors, and that
minors may be used in these investigations. Attorney General Opinion 01-062 (4/20/01).

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