

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

MINUTES
May 21, 2013
1:30 pm

The regular meeting of the Tennessee Alcoholic Beverage Commission was held on Tuesday, May 21, 2013 in Nashville, Tennessee at 1:30 p.m. Chairperson Mary McDaniel, Commissioner John Jones and Commissioner Bryan Kaegi were present. Interim Director E. Keith Bell, Attorney Ginna Winfree, CLEO Mark Hutchins were present.

1. The Minutes for the April 23, 2013 Commission Meeting were approved.

2. RETAIL

A. NEW BUSINESS

1. DICKERSON PIKE DISCOUNT LIQUOR STORE
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)

Applicant: DICKERSON LIQUOR STORE, INC.
Stockholder(s): Jimmy Patel (60%)
Bhauna Patel (40%)

Before the Commission is a request for a new retail store located at 3006 Dickerson Pike, Suite B, Nashville, Tennessee. Jimmy Patel and Bhauna Patel will be investing an adequate sum of monies to operate the store based on a promissory note with Gautum C. Patel in the amount of \$100,000.00 at three percent (3%) interest per annum as verified by the TABC staff. Dickerson Liquor Store, Inc. will be leasing the property from Akshar properties, Inc. for a term of sixty (60) months commencing on December 1, 2012 and ending on November 31, 2017 at a monthly rate of \$3,000.00 with an option to renew for an additional sixty (60) months at a rental rate of \$3,500.00 per month. All documentation and agency requirements have been submitted with the exception of the following:

a. \$ 850.00 License Fee - RECEIVED

The TABC staff recommends approval of this application upon receipt of license fee.

Discussion/Action Taken:

Tucker Herndon, Attorney, was in attendance. Interim Director Bell reviewed the matter to the Commission and recommended approval upon receipt of the license fee.

Commissioner Kaegi made a motion to approve upon receipt of the license fee. Commissioner Jones seconded the motion and it passed with 3 ayes.

UPDATE: The retail license was issued to Dickerson Pike Discount Liquor Store on 5/22/13.

**2. POUR VOUS
HENDERSONVILLE, TENNESSEE (SUMNER) COUNTY)**

Applicant: Bonds Marketing and Sales, Inc.
Stockholder(s): Donald M Bonds, Sr.
Evelyn S. Bonds

Before the Commission is a request for a new retail store located at 263 Indian Lake Blvd., Hendersonville, Tennessee. Mr. and Mrs. Bonds will be investing an adequate sum of monies to operate the store based on a loan with Evolve Bank & Trust as verified by the TABC staff. Donald and Evelyn Bonds (Landlord) will be leasing the property to Bonds Marketing and Sales, Inc. d/b/a Pour Vous (Tenant) for a term of six (6) years commencing December 1, 2012 and ending November 30, 2018 at rate of \$16,500.00/month. This lease is renewable for four terms of five years each; the monthly rental rate will increase five percent (5%) with each five year term. All documentation and agency requirements have been submitted with the exception of the **\$850.00 License Fee**. The TABC staff recommends approval of this application upon receipt of license fee.

Discussion/Action Taken:

Mr. Donald M. Bonds, Sr. was in attendance. Interim Director Bell reviewed the matter to the Commission and recommended approval.

Commissioner Kaegi made a motion to approve. Commissioner Jones seconded the motion and it passed with 3 ayes.

UPDATE: The retail license was issued to Pour Vous on 5/21/13.

**3. MT. JULIET WINE & SPIRITS
MT. JULIET, TENNESSEE (WILSON COUNTY)**

Applicant: Mt. Juliet Wine & Spirits, LLC
Members(s): Bill Robinson
Chris Robinson
Michael Robinson

Before the Commission is a request for a new retail store located at 11344 Lebanon Road, Mt. Juliet, Tennessee. Mr. Bill Robinson will be investing an adequate sum of monies to operate the store based on personal funds with Pinnacle Bank; Mr. Chris Robinson will be investing an adequate sum of monies, as verified by the TABC staff, to operate the store based on an equity account at Pinnacle Bank; Mr. Michael Robinson will also be investing an adequate sum of monies to operate the store based on personal funds with Southern Bank of Tennessee as verified by the TABC staff. Each of the three members will own 33.3333% of the retail store. Mt. Juliet Wine & Spirits, LLC will be leasing the property from Robinson Properties Realty & Construction, LLC for a three (3) year term at \$6,000.00/mo. There is not a renewal option documented in the current lease. All documentation has been provided with the exception of the **\$850.00 License Fee**. The TABC staff recommends approval of this application upon receipt of license fee.

Discussion/Action Taken:

Mr. James Byrd, Attorney, was in attendance on behalf of the members of Mt. Juliet Wine & Spirits, LLC. Interim Director Bell reviewed the matter to the Commission and recommended approval.

Commissioner Jones made a motion to approve. Commissioner Kaegi seconded the motion and it passed with 3 ayes.

UPDATE: The retail license was issued to Mt. Juliet Wine & Spirits on 5/23/13.

**4. NORTHSIDE LIQUORS
CHAPEL HILL, TENNESSEE (MARSHALL COUNTY)**

Applicant: Joy Wiles Sweeney
Sole Proprietorship

Before the Commission is a request for a new retail store located at 315 N Horton Parkway, Chapel Hill, Tennessee. Ms. Sweeney will be investing an adequate sum of monies to operate the store based on personal funds with 1st Commerce as verified by TABC agents. The property where the store is located is

owned by Joy Wiles Sweeny and John Kenneth Sweeney. All documentation has been provided with the exception of the following:

- a. Acknowledgment of TABC Rules & Regulations - RECEIVED
- b. Inspection - COMPLETED
- c. \$ 850.00 License Fee - RECEIVED

The TABC staff recommends approval of this application upon receipt of the missing documents and the license fee.

Discussion/Action Taken:

Ms. Joy Wiles Sweeny was in attendance. Interim Director Bell reviewed the matter to the Commission and recommended approval upon receipt of the License fee and missing documentation.

Commissioner Kaegi made a motion to approve upon receipt of the license fee and missing documentation. Commissioner Jones seconded the motion and it passed with 3 ayes.

UPDATE: The retail license was issued to Northside Liquors on 5/23/13.

**5. SONYA'S X-PRESS WINE & LIQUOR
PIKEVILLE, TENNESSEE (BLEDSOE COUNTY)**

**Applicant: Sonya H. Nale
Sole Proprietorship**

Before the Commission is a request for a new retail store located at 1378 US 127 Bypass, Pikeville, Tennessee. Ms. Nale will be investing an adequate sum of monies to operate the store based on personal funds with First National Bank as verified by TABC agents. The lease for the property is between Kirt T. Lamb and Sonya, LLC; however, there is a sub-let agreement between Sonya, LLC and Sonya H. Nale. The term of this lease is for a period of three (3) years commencing April 1, 2013 and ending June 30, 2013 (correction made to date) 2016 for a rental rate of \$325.00/month. All documentation has been provided with the exception of the **\$850.00 License Fee**. The TABC staff recommends approval of this application upon receipt of license fee.

Discussion/Action Taken:

Interim Director Bell reviewed the matter to the Commission and recommended approval upon receipt of the License fee.

Commissioner Kaegi made a motion to approve upon receipt of the license fee. Commissioner Jones seconded the motion and it passed with 3 ayes.

UPDATE: The \$850 license fee was received and the retail license was issued to Sonya's X-Press Wine & Liquor on 5/28/13.

**6. ANGEL'S SPIRITS
PIKEVILLE, TENNESSEE (BLEDSOE COUNTY)**

**Applicant: Kellem Q. Angel, Jr.
Sole Proprietorship**

Before the Commission is a request for a new retail store located at 3338 Main Street, Pikeville, Tennessee. Mr. Angel will be investing an adequate sum of monies to operate the store based on personal funds at First National Bank as verified by TABC Agents. Kellem Angel, Jr. will be leasing the property from Eston Angel for a term of ten (10) years at \$1.00/mo. Mr. Eston has provided the TABC with an affidavit that he holds zero interest in Angel's Spirits and will not receive any proceeds from the sale of alcoholic beverages of the business. All documentation has been provided with the exception of the **\$850.00 License Fee**. The TABC staff recommends approval of this application upon receipts of license fee.

Discussion/Action Taken:

Interim Director Bell reviewed the matter to the Commission and recommended approval upon receipt of the License fee.

Commissioner Jones made a motion to approve upon receipt of the license fee. Commissioner Kaegi seconded the motion and it passed with 3 ayes.

UPDATE: The \$850 license fee was received and the retail license was issued to Angel's Spirits on 5/28/13.

**7. FAVORITE LIQUORS, INC.
CLARKSVILLE, TENNESSEE (MONTGOMERY COUNTY)**

**Applicant: Favorite Liquors, Inc.
Stockholder(s): Ashok K. Bhagchan**

Before the Commission is a request for a change of ownership from a Sole-Proprietorship to a Corporation. Favorite Liquors (d/b/a) located at 2570 Madison Street, Suite B; Clarksville, Tennessee was initially licensed as a sole-proprietorship. Mr. Bhagechan established Favorite Liquors, Inc.

as a corporation with the State of Tennessee on 12/27/12. Mr. Bhagchan is currently leasing the property from Triple J. Vernon for a term of five (5) years at a rate of \$7,500.00/mo for the first two years and a rate of \$8,333.34/mo for the remainder of the five (5) year term. The Lessee has a renewal option of five (5) additional five (5) year terms. An addendum to the current lease or a new lease listing the licensee, Favorite Liquors, Inc., as lessee is required. Mr. Bhagehan has an adequate amount of personal funds to operate the store as verified by TABC agents. All documentation has been provided ~~with the exception of the following:~~

- a. Lease Addendum or Updated Lease - RECEIVED
- b. TABC Inspection - RECEIVED
- c. Acknowledgement of TABC Rules & Regulations - RECEIVED

The TABC staff recommends approval of this application ~~upon receipt of the license fee and missing documentation.~~

Discussion/Action Taken:

Interim Director Bell reviewed the matter to the Commission and recommended approval upon receipt of the License fee.

Commissioner Kaegi made a motion to approve. Commissioner Jones seconded the motion and it passed with 3 ayes.

UPDATE: The retail license was issued to Favorite Liquors on 5/23/13.

**8. GRACE'S PLAZA WINE & SPIRITS
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: Nirvana beverage Company, LLC
d/b/a Grace's Plaza Wine & Spirits
Members(s): Pratibha Desai

Before the Commission is a request for a transfer of location of Grace's Plaza Wine & Spirits currently located at 4005 Hillsboro Pike, Nashville, Tennessee to 4009 Hillsboro Pike, Suite 105, Nashville, Tennessee. Mrs. Desai is relocating to a smaller space to better suit her business; it is a more visible location with easier access for customers. Mrs. Desai will be operating the store at the new location with an adequate sum of monies already invested into his business as verified by TABC agents. The lease for this new location is by and between Grace's, Inc. and Nirvana Beverage Company, LLC d/b/a Grace's Plaza Wine & Spirits. The term of this lease shall

commence as soon as possession is delivered and end at midnight on June 30, 2025. The monthly lease rate will be \$13,668.87 increasing 6% effective August 1, 2016 and August 1 each third year thereafter. All documentation has been provided with the exception of the **\$850.00 License Fee**. The TABC staff recommends approval of this application upon receipt of the license fee.

Discussion/Action Taken:

Rob Pinson, Attorney, and Pratibha Desai were in attendance. Interim Director Bell reviewed the matter to the Commission and recommended approval upon receipt of the license fee.

Commissioner Kaegi made a motion to approve upon receipt of the license fee. Commissioner Jones seconded the motion and it passed with 3 ayes.

UPDATE: The license fee was received and the retail license was issued to Grace's Plaza Wine & Spirits on 6/3/13.

**9. LAURA'S LIQUOR & WINE STORE
HARRIMAN, TENNESSEE (ROANE COUNTY)**

Licensee: Meera Priya, Inc.
d/b/a Laura's Liquor & Wine Store
Stockholder(s): Vijay Patel (50%)
Manoj Patel (50%)
Proposed Stockholder(s): Monoj Patel

Before the Commission is a request for a transfer in stock ownership of the retail store located at 1034 South Roane Street, Harriman, Tennessee. The current stockholders of Meera Priya, Inc. are Monoj M. Patel, 50% owner, and Vijay Patel, 50% owner. Monoj Patel is purchasing Vijay Patel's 50% stock ownership, leaving Monoj Patel with 100% of Meera Priya, Inc. This transfer of stock is subject to approval by the TABC Commissioners. The TABC staff recommends approval of this application.

Discussion/Action Taken:

Tucker Herndon, Attorney, was in attendance. Interim Director Bell reviewed the matter to the Commission and recommended approval.

Commissioner Kaegi made a motion to approve. Commissioner Jones seconded the motion and it passed with 3 ayes.

UPDATE: The transfer in stock ownership was completed 5/22/13.

**10. LAKESITE WINE & SPIRITS
HIXSON, TENNESSEE (HAMILTON COUNTY)**

Licensee: David & Martha Denham
d/b/a Lakesite Wine & Spirits
Owner(s): David Denham
Martha Denham

Before the Commission is a request to expand storage space at the retail store located at 8711 Hixson Pike, Hixson, Tennessee. The owners are requesting to double their stockroom storage space for the store. They currently own the building and have an available open space of 28'5" x 25'5" adjacent to the current stockroom. They are requesting to open the wall an effectively double the stockroom area. The new area has two doors, one to the outside that could be used for stock delivery only and a side door that would be bolted from the inside (no access) This expansion is subject to approval by the TABC Commissioners. The TABC staff recommends approval of this application.

Discussion/Action Taken:

Interim Director Bell reviewed the matter to the Commission and recommended approval.

Commissioner Kaegi made a motion to approve. Commissioner Jones seconded the motion and it passed with 3 ayes.

UPDATE: The request to expand storage space at Lakesite Wine & Spirits was approved.

**11. PUCKETT'S 5TH AND CHURCH, INC
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Licensee: PUCKETT'S 5TH AND CHURCH, INC
d/b/a PUCKETT'S
Owners: JANETC.MARSHALL-SEC.,
ANDREW ANDY MARSHALL-PRES.,
BESTY KOHAN-SHAREHOLDER

Before the Commission is a request for consideration for expanding the licensee's premises to include a sidewalk area between 5th Avenue and the current licensed premises of Puckett's. It is the TABC's understanding, although undocumented as of the deadline for agenda items, May 10, 2013, that the Metropolitan Government of Nashville and Davidson County has approved the serving of low gravity malt beverages within the area being presented before the

Commission. Mr. Dan Haskell, Attorney for Puckett's 5th and Church, Inc., will present his client's plans and answer any questions.

Discussion/Action Taken:

Dan Haskell, Attorney, was in attendance. Interim Director Bell reviewed the matter to the Commission and recommended approval.

Commissioner Kaegi made a motion to approve. Commissioner Jones seconded the motion and it passed with 3 ayes.

UPDATE: The request for an expansion was approved.

3. WINERIES

4. WHOLESALERS

A. NEW BUSINESS

**1. OMNI BEVERAGE MARKETING COMPANY
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Applicant: Omni Beverage Marketing Company
Stockholders: George Dettwiller

Before the Commission is a request for a new wholesale license to be located at 5020 Tuggle Road, Memphis, Tennessee. Mr. Dettwiller is wishing to open an additional warehouse in Memphis; they currently have Omni Beverage Marketing Company in Nashville. The property will be leased from BarDett LLC d/b/a A.S. Barboro Inc. ("Sub-landlord") with consent to sub-lease from Ingram Entertainment Holdings Inc. for a term of three (3) years at a rate of \$500.00/mo. The lease shall automatically renew for an additional three (3) year period at the end of the original term and any renewal term unless either party gives written notice of an intention to terminate no later than thirty days prior to the expiration. All documentation has been provided. The TABC staff recommends approval of this application.

Discussion/Action Taken:

Interim Director Bell reviewed the matter to the Commission and recommended approval.

Commissioner Kaegi made a motion to approve. Commissioner Jones seconded the motion and it passed with 3 ayes.

UPDATE: The request for a new wholesale location for Omni Beverage was approved.

5. **SERVER PERMIT DENIALS**

A. **Sean Mardis**

Mr. Mardis failed to answer **yes** to question number one (1) on the Tennessee Alcoholic Beverage Commission's Application for Employee's On Premise Permit:

1. *Have you ever been convicted of any criminal offense? ____ If answer is yes, furnish complete details including DATE, PLACE, CHARGE and RESULT (probation, jail time, fines, community service, etc.)*

Mr. Mardis was denied the server permit based on TABC Rule 0100-08-.03(2): "...All information submitted pursuant to such written application must be accurate Failure to submit accurate information is grounds for suspension or revocation of such permit;..." and TABC Rule 0100-08-.06: "...Providing false or misleading information in any required document, application, and/or advertisement may result in the denial of that application..." The TABC staff recommends denial of this application.

CORRECTION: Mr. Mardis was NOT denied the server permit as stated in the May 21, 2013 Commission Meeting Agenda. Mr. Mardis was assessed a fine in the amount of \$250.00 for failing to answer question number one (1) correctly on the Tennessee Alcoholic Beverage Commission's ("TABC") Application for Employees' On Premise Permit. Mr. Mardis appeared at the May 21, 2013 commission meeting to appeal the fine assessed by the TABC. The Tennessee Alcoholic Beverage Commissioners upheld the TABC's ruling on the matter. Mr. Mardis must pay the \$250.00 fine in order to possess an Employee's On Premise Permit with the TABC.

Discussion/Action Taken:

Staff Attorney, Ginna Winfree, reviewed the matter to the Commission and recommended denying Mr. Mardis's appeal of the citation issued.

Commissioner Jones made a motion to uphold the TABC's ruling. Commissioner Kaegi seconded the motion and it passed with 3 ayes.

UPDATE: Mr. Mardis appeared at the May 21, 2013 commission meeting to appeal the fine assessed by the TABC. The Tennessee Alcoholic Beverage Commissioners upheld the

TABC's ruling on the matter. Mr. Mardis must pay the \$250.00 fine in order to possess an Employee's On Premise Permit with the TABC.

6. ADMINISTRATIVE HEARINGS

A. INITIAL ORDERS TO BE REVIEWED TO COMMISSION

- 1. Brinson's Banquets, LLC Permit No. 82022
Docket No. 33.01116200J**

Administrative Law Judge, Ann Johnson, found Brinson's Banquets, LLC in default pursuant to T.C.A. § 4-5-101 *et seq.* for failure to appear at a hearing that was previously scheduled for May 15, 2012 at the Tennessee Alcoholic Beverage Commission. *"IT IS ORDERED that Brinson's Banquets, LLC is in default for the amount of \$600.00 civil penalty, plus \$200.00 for an administrative file fee pursuant to T.C.A. § 57-1-201(b)(1)(B), § 57-4-201, § 57-4-201(a)(s), and § 57-3-213(a)."*

UPDATE: This matter has been continued to the June 25, 2013 commission meeting.

- 2. Black Magic Entertainment Permit No. 52367
d/b/a Sensations Restaurant and Lounge
Docket No. 33.01-116106J**

Administrative Law Judge, Ann Johnson, found Black Magic Entertainment d/b/a Sensations Restaurant and Lounge in default pursuant to T.C.A. § 4-5-101 *et seq.* for failure to appear at a hearing that was previously scheduled for May 15, 2012 at the Tennessee Alcoholic Beverage Commission. *"IT IS ORDERED that Black Magic Entertainment is in default for the amount of \$250.00 civil penalty, plus \$200.00 for an administrative file fee pursuant to T.C.A. § 57-1-201(b)(1)(B), § 57-4-201, § 57-4-203(e), and TABC Rule 0100-01-.03(15)(a)."*

UPDATE: This matter has been continued to the June 25, 2013 commission meeting.

- 7. DISTILLERY – There were not any Distillery matters brought in front of the Commission.**
- 8. PRIVATE CLUB – There were not any Private Club matters brought in front of the Commission.**
- 9. BUDGET**

A. Procurement Compliance Review

The TABC has been selected for a procurement compliance review pursuant to Central Procurement Office's policy 11.6.4. Compliance Reports. The policy requires the Central Procurement Office to periodically review the purchasing activities of agencies pertaining to delegated purchases that do not exceed fifty thousand (\$50,000) dollars to ensure compliance with all applicable procurement procedures.

The Central Procurement Office's Procurement Compliance Team will oversee the review. David S. Klein, Procurement Compliance Specialist, will be performing the actual review and the scope will be limited to purchases made from **November 1, 2012 through April 30, 2013**.

10. PENDING MATTERS LIST

A. Commission Meeting Dates for the 2013 calendar year - The meetings were sent for the next two meetings. Discussion for the 2013 calendar year will continue at the next meeting.

11. PERSONNEL - The Tennessee Alcoholic Beverage Commissioners appointed Mr. E. Keith Bell as the Director of the Tennessee Alcoholic Beverage Commission. Congratulations Director Bell.

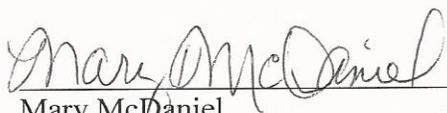
SA Juan Gomez introduced a new TABC Special Agent to the Commissioners the TABC welcomes, SA Tim Szymanski. We also have an intern working with our TABC Special Agents, Jacob Craig.

12. MISCELLANEOUS

A. Monthly Summary of TABC Activity

B. NIC – demonstration of Server Permit software app.

13. DATE OF NEXT MEETING - The date of the next commission meeting is set for Tuesday, June 25, 2013 at 1:30 p.m., the deadline for submitting commission matters is Friday, June 14, 2013, the July commission meeting will be held, Tuesday, July 23, 2013 at 1:30 p.m., the deadline for submitting commission matters is Friday, June 12, 2013. The August commission meeting will be held Tuesday, August 27, 2013 at 1:30 p.m., the deadline for submitting commission matters is Friday, August 16, 2013.


Mary McDaniel
Chairperson


E. Keith Bell
Executive Director