

**TENNESSEE ALCOHOLIC BEVERAGE COMMISSION**

**Minutes  
April 22, 2010  
1:30 p.m.**

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**ADDENDUM**

**1. Server Training—Chris Phillips.**

Request to be on agenda to discuss the prohibition of someone other than the applicant submitting and obtaining server permits.

**Discussion/Action Taken:**

Chris Phillips was present at the meeting. Chris Phillips stated that he wants the trainers not to be allowed to pick up the server permits for the following reasons: with TABC allowing trainers to pick up server permits for the classes taken, the TABC is losing revenue. He stated that when a server loses their server permit, they contact the trainer and the trainer sends copies of the server permits to the server. By allowing the trainers to obtain the server permits and/or make copies, it gives the impression to the servers that the trainers are affiliated to the TABC or an agency of the TABC. Further, security issues are at risk by the trainers having access to all personal records, such as social security numbers, birth dates and place of birth which could lead to identity theft or potential legal liability to the TABC. Chris Phillips stated that the policy changes that keep occurring are confusing the servers and restaurants and it hurts the TABC's reputation.

Brad Green spoke and stated that picking up the server permits from the TABC office was well received by the restaurants and there appears to be no confusion.

Chairman Jones indicated his disappointment with Mr. Phillips not discussing this matter when it was on a previous agenda, and now wishing to change the policy again after TABC staff and other interested parties had supposedly resolved this matter last month. However, the Commission requested that TABC staff schedule a rulemaking hearing on this issue and have a proposed rule to give the Commission, subject to a length of time that is appropriate to the Commission that will resolve this issue.

**2. RETAIL APPLICATIONS**

**A. Corsair Artisan, LLC**

**Applicant:** Corsair Artisan, LLC  
**Members:** Darek Bell  
Andrew Webber

**MINUTES ADDENDUM FOR THE APRIL 22, 2010 COMMISSION MEETING – PAGE 2**

Before the Commission is a request for a new retail store to be located on the premises of a new distillery, (see April 22, 2010 regular agenda). T.C.A. §57-3-204(f) allows a manufacturer to be issued a retail license to be located on the manufacturer's premises—irrespective of whether the municipality has passed a retail referendum and irrespective of residency. However, such retailer may only sell special novelty decanters in a 750ml size only. Corsair Artisan is an existing business in Kentucky; as such, Mr. Bell and Mr. Webber invested \$44,277 from personal savings in 2008. Additionally, a line of credit in the amount of \$125,000 and a loan for \$50,000 from The Bank of Nashville exists. The applicant LLC will be leasing the property from Barry Walker, d/b/a Marathon Village for a period of 4 years (with an option to renew): monthly rental will begin at \$3150 and increase to \$4200. All documentation has been submitted with the exception of the following:

- a. TABC Inspection;
- b. Acknowledgement of the rules/regulations;
- c. Certificate of compliance;
- d. Affidavit of publication and a copy of the newspaper notice;
- e. Copies of the line of credit and loan agreement;
- f. Bank credit check.

**Discussion/Action Taken:**

Commissioner Mathews and Chairman Jones stated they were friends with both the applicant and the applicant's father.

Darek Bell and William Cheek, III were present at the meeting. Director Elks reviewed the matter to the Commissioners and recommended approval upon submission of the following documentation:

- a. TABC Inspection;
- b. Acknowledgement of the rules/regulations;
- c. Certificate of compliance;
- d. Affidavit of publication and a copy of the newspaper notice;
- e. Copies of the line of credit and loan agreement;
- f. Bank credit check.

Henry Hildebrand, III objected to the issuance of the license because he has concerns that this matter was not given advance notice. Mr. Hildebrand stated that he will probably have no objection to the issuance of the distillery license; but that the retail package store at the location of the distillery did not have notice of this matter and it should be disclosed to the retail package stores within the area. His second objection was that the statute which allows Jack Daniels Distillery in Moore County to have a retail package store which was addressed by Director Elks indicates that there has

to be a local option election to permit the retail package store to be located at the distillery. Mr. Hildebrand stated that he did not know if Davidson County had that referendum.

Chairman Jones made a motion to defer the matter to the May Commission meeting. Commissioner Mathews seconded the motion and it passed with 3 ayes.

**3. Create-A-Wine Proposal—John Manis**

Director Elks stated that she had failed to place this matter on the Agenda and respectfully requested that the Commission hear this matter. Director Elks stated that she had been in contact with the Winery Association to advise them that this matter would be on the April Agenda. Commissioner Mathews made a motion to hear this matter as an addendum to the April Commission meeting. Commissioner Bond seconded the motion and it passed with 3 ayes.

**Discussion/Action Taken:**

John Manis was present at the meeting. Director Elks advised the Commission that she has concerns that this business would be legally able to operate under the laws of Tennessee without a winery license. Director Elks summarized Mr. Manis's operation as a business that sells wine making equipment and other associated materials, and provides instruction for individuals on the process of how to make wine. The individuals that would come to the business and would sign a contract with Mr. Manis and would that this alcohol was not for resale and is for home consumption and home purposes only. Mr. Manis, for a charge, would sell wine making equipment to the individual and would instruct them on how to make the wine on his premises and, if necessary, would store the wine and allow it to ferment on the licensed premises until such time as the individual takes the product away.

Director Elks previously advised Mr. Manis that the staff believed he would have to obtain a winery license before this could take place because the winemaking was actually taking place away from the individual's home.

Chairman Jones made a motion to continue this matter to the May Commission meeting because this issue needed additional time for review.

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John A. Jones  
Chairman

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Shari Danielle Elks  
Executive Director