

**TENNESSEE ALCOHOLIC BEVERAGE COMMISSION**

**MINUTES**  
**August 25, 2015**  
**1:30 pm**

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**Chairperson Mary McDaniel, Commissioner Jones and Commissioner Kaegi were in attendance. E. Keith Bell, Executive Director, Ginna Winfree, Assistant Director, Staff Attorney, Joshua Stepp, and CLEO Mark Hutchens were present at the meeting.**

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**1. APPROVAL OF THE JULY 21, 2015 COMMISSION MEETING MINUTES –**

**DISCUSSION/ACTION TAKEN:** Commissioner Jones motioned to approve the minutes, Commissioner Kaegi seconded the motion. The motion passed with 3 ayes.

**2. RETAIL MATTERS**

**A. NEW BUSINESS**

**1. HANDY DANDY PACKAGE STORE  
JEFFERSON CITY, TENNESSEE (JEFFERSON COUNTY)**

Applicant: Jefferson City Store, LLC

Member(s): Mitulkumar Kanubhai Patel, President 51 %  
Rinkeshkumar J. Patel, Vice-President 49 %

Before the Commission is a request for licensing of a new retail store to be located at 625 E. Broadway Blvd., Jefferson City, Tennessee 37760. Mitulkumar Patel is investing \$125,000 into the business, as verified by TABC staff. The applicant will lease the premises from Crown Hill Enterprises, LLC, for an initial term of ten (10) years at a monthly rental rate of \$2,500. The TABC staff recommends conditional approval of this request, subject to receipt of the following item:

a. License Fee received 08/07/2015

**DISCUSSION/ACTION TAKEN:** The license fee was received prior to the meeting. Commissioner Jones motioned to approve the request for licensing, Commissioner Kaegi seconded the motion; it passed with 3 ayes. **Update: License No. 4028 issued/effective 9.1.15**

**2. CITY WINE AND LIQUORS (License No. 3898)  
MCKENZIE, TENNESSEE (CARROLL COUNTY)**

Applicant: B & W, LLC  
Member(s): David Barksdale 100 %

Current: B & W, LLC  
Current Members: David Barksdale 49 %  
Tressia Barksdale 51 %

Before the Commission is a request for a change in members and member interest in B&W, LLC, d/b/a City Wine and Liquors located at 15846 Highland Drive, McKenzie, Tennessee 38201. Ms. Barksdale is relinquishing her 51% interest to Mr. Barksdale. There is no compensation for this transfer. The TABC staff recommends approval of this request.

**DISCUSSION/ACTION TAKEN:** Commissioner Kaegi motioned to approve the request. Commissioner Jones seconded the motion and it passed with 3 ayes. **Database updated.**

**3. NORTHSIDE LIQUORS (LICENSE NO. 3884)  
CHAPEL HILL (MARSHALL COUNTY)**

Applicant: Joy Wiles Sweeney

Before the Commission is a request for an expansion of the retail store located at 315 N. Horton Pkwy., Chapel Hill, Tennessee 37034. The applicant owns the real property where the store is located and plans to construct an addition to the existing building once approved by the Commission. The TABC staff recommends conditional approval, subject to receipt of the following items:

- a. Certificate of Occupancy (after build-out)
- b. TABC Inspection (after build-out)

**DISCUSSION/ACTION TAKEN:** Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items. Commissioner Jones seconded the motion and it passed with 3 ayes.

**4. HWY 55 WEST LIQUORS  
MANCHESTER, TENNESSEE (COFFEE COUNTY)**

Applicant: Hwy 55 West Liquors, LLC

Member(s):	Orville Foster, President	50 %
	Dorothy Foster, Secretary/Treasurer	50 %

Before the Commission is a request for licensing of a new retail store to be located at 2032 McArthur Dr., Ste. B, Manchester, Tennessee 37355. The Foster's plan to invest between \$50k-\$100k of personal funds into the business. The Foster's own the real property where the store will be located and will lease the premises to the LLC for a term of 20 years at a monthly rental rate of \$1,000. The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

- a. TABC Inspection **-received 9.2.15**
- b. Acknowledgement of TABC Rules & Regulations **-received 9.2.15**
- c. TABC Agent Financial Report **-received 9.1.15**
- d. ~~Confirmation that the Fosters will not own 50% or more of the liquor stores in Manchester, TN.<sup>1</sup>~~

<sup>1</sup> Orville and Dorothy Foster each hold 50% of ownership interest in Manchester Liquors, LLC, d/b/a Manchester Liquors (License No. 3594) located at 1656 Hillsboro Blvd., Manchester, Tennessee 37355.

**DISCUSSION/ACTION TAKEN:** Item (d.) was received prior to the meeting. Commissioner Kaegi motioned for conditional approval, subject to receipt of the missing items. Commissioner Jones seconded the motion and it passed with 3 ayes. **Update: conditional items were received; license no. 4030 was issued on 9.2.15.**

**5. BOOTLEGGERS LIQUOR (LICENSE NO. 3875)  
WOODBURY, TENNESSEE (CANNON COUNTY)**

Applicant: Thomas R. Mears, Jr., Sole Proprietor

Before the Commission is a request for an expansion of the premises of the retail store located at 810 McMinnville Highway, Woodbury, Tennessee 37190. The applicant owns the real property where the store is located and will expand the premises to allow for more storage area. The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

- a. Use & Occupancy (after build-out)
- b. TABC Inspection (after build-out)

**DISCUSSION/ACTION TAKEN:** Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items. Commissioner Jones seconded the motion and it passed with three ayes.

**6. LEBANON WINE & SPIRITS  
LEBANON, TENNESSEE (WILSON COUNTY)**

Applicant: Ryan Spirits, LLC

Member(s): Michael A. Ryan, 100 %

Before the Commission is a request for licensing of a new retail package store to be located at 111 South Hartman Dr., Lebanon, Tennessee 37087. As verified by TABC staff, Mr. Ryan is investing approximately \$100k into the business using a line of credit and operating funds obtained from CH Ryan, LLC.<sup>2</sup> The applicant will lease the premises from Retail Development Solutions, LLC at a monthly rental rate of approximately \$6,000; the lease terminates in 2022.<sup>3</sup> The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

- a. TABC Inspection
- b. Acknowledgement of TABC Rules & Regulations
- c. Certificate of Occupancy
- d. License Fee

**DISCUSSION/ACTION TAKEN:** Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items. Commissioner Jones seconded the motion and it passed with three ayes.

**7. UPTOWN WINE & SPIRITS  
WHITE HOUSE, TENNESSEE (ROBERTSON COUNTY)**

<sup>2</sup> Mr. Ryan is a member of CH Ryan, LLC, d/b/a Mt. Juliet Beer Company

<sup>3</sup> The lease includes options to renew for five (5) additional terms of five (5) years each.

Applicant: Uptown Wine & Spirits, LLC

Member(s): William Dustin Smith, President 50 %  
 Michael H. Brown, V.P. 50 %  
 Kimberly Smith, Secretary 0 %

Before the Commission is a request for licensing of a new retail store to be located at 520 Hwy. 76, Suite 13, White House, Tennessee 37188. As verified by TABC staff, Mr. Smith plans to invest \$50k into the business and Mr. Brown is investing \$250k with the funds coming from home equity loan and personal funds. The applicant will lease the premises from Hackmeyer White House Venture, a Tennessee general partnership, for an initial term of five years at a monthly rental rate of approximately \$4,000.<sup>4</sup> The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

- a. TABC Agent Inspection
- b. Acknowledgement of TABC Rules & Regulations
- ~~c. Certificate of Occupancy (or letter stating it was previously issued) received 8/18~~
- ~~d. License Fee received (receipt #15323915)~~

**DISCUSSION/ACTION TAKEN:** Items (c) and (d) were received prior to the meeting. Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items. Commissioner Jones seconded the motion and it passed with three ayes. **Update: License no. 4026 issued/effective on 8.26.15**

**8. CENTER HILL WINE & SPIRITS  
 SMITHVILLE, TENNESSEE (DEKALB COUNTY)**

Applicant: James E. Bradshaw, Sole Proprietor

Before the Commission is a request for licensing of a retail store to be located at 725 S. Congress Blvd., Smithville, Tennessee 37166. The applicant is investing \$200k of personal funds into the business, as verified by TABC staff. Mr. Bradshaw is leasing the premises from Bayview Holdings, LLC for an initial term of four years at a monthly rental rate of approximately \$750.<sup>5</sup> The TABC staff recommends conditional approval of this request for licensing, subject to receipt of the following items:

- a. TABC Inspection
- b. Acknowledgement of TABC Rules & Regulations

**DISCUSSION/ACTION TAKEN:** Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items. Commissioner Jones seconded the motion and it passed with three ayes. **Update: License no. 4027 issued on 8.28.15 and effective on 8.31.15**

**9. MUDDY WATERS TWO WINE & SPIRITS  
 ATHENS, TENNESSEE (MCMINN COUNTY)**

<sup>4</sup> The lease includes two, five year options to renew.

<sup>5</sup> The monthly rental rate for years 1 and 2 is \$750; the monthly rental rate for years 3 and 4 will be \$1,000.

Applicant: Muddy Waters Two Wine & Spirits, LLC

Member(s): Candice Beck<sup>6</sup> 50 %  
Austin Beck 50 %

Before the Commission is a request for licensing of a new retail store to be located at 2622 Decatur Pike, Athens, Tennessee 37303. Financing for the business will come from a line of credit in the amount of \$175k, as verified by TABC staff. Candice and Austin Beck own the real property where the store will be located and will lease the premises to the applicant, LLC, for an initial term of three years, at a monthly rental rate of \$1,500. The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

- a. Certificate of Occupancy (or letter)
- b. License Fee

**DISCUSSION/ACTION TAKEN:** Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items. Commissioner Jones seconded the motion and it passed with three ayes. **Update: License no. 3953 effective 8.27.15**

**10. MARYLAND FARMS WINE & SPIRITS (LICENSE NO. 3469)  
BRENTWOOD, TENNESSEE (WILLIAMSON COUNTY)**

Applicant: Maryland Farms Wine & Spirits, LLC  
Member(s): John P. Cooper, 100%

Before the Commission is a request for an expansion of the premises of the retail store located at 101 Creekside Crossing, Ste. 800, Brentwood, Tennessee 37027. Per an amended lease, the applicant is leasing the premises from Maryland Commons, LLC until 2020 at a monthly rental rate of approximately \$15,000.<sup>7</sup> The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

- a. TABC Inspection (after build-out)
- b. Certificate of Occupancy (after build-out)

**DISCUSSION/ACTION TAKEN:** Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items. Commissioner Jones seconded the motion and it passed with three ayes.

**11. IMBIBE WINE SPIRITS & BEER  
CHATTANOOGA, TENNESSEE (HAMILTON COUNTY)**

Applicant: Imbibe, LLC  
Member(s): Joshua Carter, President 25 %

<sup>6</sup> Candice and Austin Beck are members of Muddy Waters Wine & Spirits, LLC, d/b/a Muddy Waters Wine & Spirits (Permit No. 3953) located at 623 N. Tennessee Ave., Etowah, Tennessee 37331.

<sup>7</sup> The first renewal period of the lease will expire in 2020; the lease also includes a second option to renew.

Stephen Ryan Dillard, Secretary	25 %
David Yann, Assistant Sec.,	25 %
Kevin Boehm, V.P.	25 %

Before the Commission is a request for licensing of a new retail store to be located at 1616 Broad St., Chattanooga, Tennessee 37408. The applicant has an 850k line of credit to use to finance the business. The applicant will lease the premises from BYD Broad, GP, for an initial term of ten years at a monthly rental rate of approximately \$10,700. The TABC staff recommends conditional approval of this request, subject to receipt of the following:

- a. ~~TABC Inspection (received)~~
- b. Acknowledgement of TABC Rules & Regulations
- e. ~~TABC Agent Investigative Report (received)~~
- d. Certificate of Occupancy
- e. License Fee

**DISCUSSION/ACTION TAKEN:** Items (a) and (c) were received prior to the meeting. Commissioner Jones motioned for conditional approval subject to receipt of missing items. Commissioner Kaegi seconded the motion and it passed with 3 ayes. **Update: License no. 4034 effective 9.10.15.**

**12. VILLAGE LIQUOR  
DICKSON, TENNESSEE (DICKSON COUNTY)**

Applicant: Shivriya, LLC

Member(s): Prakashkumar Patel, President 100 %

Before the Commission is a request for licensing of a new retail store to be located at 1860 Hwy. 48 North, Dickson, Tennessee 37055. Financing for the business has been verified by TABC staff. The applicant has secured a \$250k line of credit to use to finance the business. The applicant will lease the premises from Sue Archer for an initial term of one year at a monthly rental rate of \$1,500.<sup>8</sup> The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

- a. TABC Inspection
- b. Acknowledgement of TABC Rules & Regulations

**DISCUSSION/ACTION TAKEN:** Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items. Commissioner Jones seconded the motion and it passed with three ayes. **Update: License no. 4029 issued/effective 9.1.15.**

**13. HAPPY HOUR LIQUOR & WINES  
JOHNSON CITY, TENNESSEE (WASHINGTON COUNTY)**

<sup>8</sup> Pursuant to the lease, the applicant will pay \$5000 upon execution of the lease; once the lease expires , a new tenancy from month to month will be created between the landlord and tenant.

Applicant: Universal Wine and Spirits, LLC

Member(s): Shane Abraham 50 %  
 Jamie Abraham 50 %

Current: Happy Hour Liquor & Wines, LLC (Ryan Wagner, 100%), d/b/a Happy Hour Liquor & Wines (License No. 3684)

Before the Commission is a request for a transfer of ownership regarding the retail store located at 2815 West Market St., Johnson City, Tennessee 37604. If approved, the applicant will purchase the assets of the current owner for \$125k, plus the cost of inventory to be determined at the time of possession.<sup>9</sup> Financing for the business has been verified by TABC staff. Landlords, Edwin & Virginia McClure,<sup>10</sup> have agreed for the seller to assign his lease to the applicant.<sup>11</sup> The TABC staff recommends conditional approval of this request, subject to receipt of the following:

- a. ~~TABC Inspection~~
- b. ~~Acknowledgement of TABC Rules & Regulations~~
- e. ~~License Fee~~
- d. ~~Payment/Resolution of Citation #5354~~
- e. Certificate of Compliance corrected to show the name of the applicant, LLC (the current one lists Shane Abraham and Jamie Abraham, but not the LLC)

**DISCUSSION/ACTION TAKEN:** Items (a) – (d) were received prior to the meeting. Commissioner Jones motioned for conditional approval, subject to receipt of missing item. Commissioner Kaegi seconded the motion and it passed with 3 ayes. **Update: License no. 4032 issued/effective 9.8.15**

14. **64 LIQUOR & WINE  
 SAVANNAH, TENNESSEE (HARDIN COUNTY)**

Applicant: JHANVI AANSHI AARNA VEER, LLC

Member(s): Parul Patel, 100%

Current: GITA Enterprises, LLC (Minesh Patel, 100%), d/b/a 64 Liquors (License No. 3638)

Proposed: Jhanvi Aanshi Aarna Veer, LLC (Parul Patel, 100%)

Before the Commission is a request for a transfer of ownership concerning the retail store located at 775 Wayne Road, Savannah, Tennessee. If approved, the applicant will purchase the business from the current owner for a purchase price of \$815k (of the \$815k, approximately

<sup>9</sup> In accordance with Tennessee law, Sellers are to transfer title and possession of the liquor inventory to the applicant via TABC licensed wholesalers' involvement.

<sup>10</sup> Edwin and Virginia McClure, Trustees of the McClure Living Trust

<sup>11</sup> The initial term of the lease is two years and includes options to renew for two (2) successive three (3) year periods; the monthly rental rate is approximately \$4,300.

\$615k will be used for the real estate).<sup>12</sup> Financing for the business will come from personal funds and bank loan in the amount of \$460k (to purchase real estate). The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

- a. Deed/lease
- b. ~~TABC Inspection~~
- c. Acknowledgement of TABC Rules & Regulations
- d. License Fee
- e. ~~Bank statements as request by staff on 8.19.15~~

**DISCUSSION/ACTION TAKEN:** Items (b) and (e) have been received. Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items. Commissioner Jones seconded the motion and it passed with three ayes. **Update: License no. 4033 issued/effective 9.9.15.**

### 3. WINERY MATTERS

#### A. NEW BUSINESS

##### 1. TENNESSEE HOMEMADE WINES GATLINBURG, TENNESSEE (SEVIER COUNTY)

Applicant: Tennessee Homemade Wines, LLC

Member(s):	Aaron Maples, President	50 %
	Keith Whaley, Member	50 %

Before the Commission is a request for licensing of a winery to be located at 643 Parkway, Gatlinburg, Tennessee 37738. As verified by TABC staff, Mr. Maples and Mr. Whaley are investing a combined total of \$200k into the business (\$150k bank loan plus \$50k of personal funds from Mr. Whaley). The applicant will lease the premises from Moonwink Properties, LLC for an initial term of ten (10) years at a monthly rental rate of \$4,500. All documentation has been received and the TABC staff recommends approval of this application.

**DISCUSSION/ACTION TAKEN:** Commissioner Jones motioned for approval. Commissioner Kaegi seconded the motion and it passed with 3 ayes. **Update: License W-104 issued 9.1.15**

##### 2. LYNCHBURG WINERY LYNCHBURG, TENNESSEE (MOORE COUNTY)

Applicant: Tucker-Manis Corporation

Shareholder(s):	Harold Ray Tucker, President	50 %
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<sup>12</sup> In accordance with Tennessee law, Sellers are to transfer title and possession of the liquor inventory to the applicant via TABC licensed wholesalers' involvement.



John Ronald Manis, V.P. 50 %

Before the Commission is a request for licensing of a new winery to be located at 34 Hiles Street, Lynchburg, Tennessee 37352. The applicant shareholders used a \$285k bank loan to finance the purchase of the real property, and the corporation has secured a line of credit from in the amount of \$300k to invest into the business, as verified by TABC staff. The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

- a. ~~Application question #11 needs to be answered~~
- b. ~~Lease between corporate applicant and property owners (The Tucker's & Manis')~~
- c. ~~Agriculture Inspection Report received 8.19.15~~
- d. ~~TABC Inspection received 8/15~~
- e. ~~Acknowledgement of TABC Rules & Regulations received 8/15~~
- f. ~~Certificate of Occupancy received 8.19.15~~
- g. ~~Financial background & credit checks of applicant & two shareholders~~
- h. ~~Waiver of administrative hearing received 8.19.15~~
- i. ~~Sales tax # (TN) received~~
- j. ~~License Fee received~~

**DISCUSSION/ACTION TAKEN:** Items (c) and (f) - (i) were received prior to the meeting. Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items. Commissioner Jones seconded the motion and it passed with three ayes. **Update: License W-103 effective 8.31.15.**

#### 4. FARM WINERY MATTERS

##### A. NEW BUSINESS - NONE

#### 5. WHOLESALE MATTERS

##### A. NEW BUSINESS

##### 1. WEST TENNESSEE CROWN DISTRIBUTING CO. (LICENSE NO. 19) MEMPHIS, TENNESSEE (SHELBY COUNTY)

Applicant: West Tennessee Crown Distributing Co.

Shareholder(s): Georgia Crown Distributing Co., 100%  
Keith Riggins, 0%  
Susan E. Rich, 0%  
John M. Tanzine III, 0%

Current location: 7625 Appling Center Drive, Memphis, Tennessee 38133  
Proposed location: 3485 Tchulatech Drive, Memphis, Tennessee 38118

Before the Commission is a request for the applicant to transfer locations, as specified above. The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

- a. Copy of executed lease for new location
- b. TABC Inspection

**DISCUSSION/ACTION TAKEN:** Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items. Commissioner Jones seconded the motion and it passed with three ayes. After the meeting, Attorney Hildebrand verified that the spelling of the new address is 3485 Tchulatech Drive.

**2. CHEROKEE DISTRIBUTING COMPANY, INC. (LICENSE NO. 122)  
KNOXVILLE, TENNESSEE (KNOX COUNTY)**

Applicant: Cherokee Distributing Company, Inc.

Shareholder(s): George B. Sampson, Chairman/President/CEO, 29.29%  
 Mary Ellen Sampson Brewington, Secretary/Treasurer, 33.33%  
 Trust U/W Neil L. Sampson FBO Neil Leigh Brewington (non-voting), 4.167%  
 Trust U/W Neil L. Sampson FBO Nicholas Sampson Brewington (non-voting), 4.167%  
 Trust U/W Neil L. Sampson FBO Steven Michael Brewington (non-voting), 4.167%  
 Trust U/W Neil L. Sampson FBO George B. Sampson, Jr. (non-voting), 4.167%  
 Trust U/W Neil L. Sampson FBA Lauren Brooks Sampson (non-voting), 4.167%  
 Trust U/W Neil L. Sampson FBA Kristen Margaret Sampson (non-voting), 4.167%  
 Trust U/W Neil L. Sampson FBA Steven Mitchell Sampson (non-voting), 4.167%  
 The George B. Sampson Family Trust (non-voting), 4.044%  
 Will James Pugh, Jr., Vice President/CFO, 0%  
 Jeffrey Knight, Vice President/General Manager, 0%

Business Address: 200 Miller Main Circle, Knoxville, Tennessee 37919

Before the Commission is a request for Cherokee Wine & Spirits, Inc., d/b/a Cherokee Wine & Spirits (License No. 76) to merge with and into the applicant, Cherokee Distributing Company, Inc., with Cherokee Distributing Company, Inc. being the surviving entity. The ownership of both entities is identical. The officers of both entities are identical, and the two entities have the same address. The TABC staff recommends approval of this request.

**DISCUSSION/ACTION TAKEN:** Commissioner Jones motioned for approval of this request. Commissioner Kaegi seconded the motion and it passed with three ayes. **Update: License no 76. (Cherokee Wine & Spirits, Inc., d/b/a Cherokee Wine & Spirits) was closed on 9.11.15**

**6. DISTILLERY/BREWERY**

**A. NEW BUSINESS**

**1. SCHULZ BRAU BREWING COMPANY  
KNOXVILLE, TENNESSEE (KNOX COUNTY)**

Applicant: Schulz Brau Brewing, LLC

Member(s): Nico Schulz, Head Brewer 50 %  
 Wolfgang Schulz, Operations Mgr. 25 %  
 Ilona Schulz, Financial Mgr. 25 %

Before the Commission is a request for licensing of a new brewery to be located at 126 Bernard Ave., Knoxville, Tennessee 37917. The LLC members are investing a combined total of

approximately \$1.8 million into the business (construction loan and personal funds). The applicant owns the real property where the brewery will be located and has secured a construction loan for approximately \$1.3 million dollars.<sup>13</sup> The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

- a. Certificate of Occupancy
- b. TABC Inspection
- c. License Fee

**DISCUSSION/ACTION TAKEN:** Commissioner Jones motioned for conditional approval of this request, subject to receipt of missing items. Commissioner Kaegi seconded the motion and it passed with three ayes.

**2. SMITH & LENTZ BREWING  
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: Smith & Lentz Brewing Company, LLC

Member(s):	Kurt Richard Smith	36 %
	Adler James Lentz	36 %
	BBLN Ventures, LLC	10 %
	James Richard Smith <sup>14</sup>	4 %

Before the Commission is a request for licensing of a new brewery to be located at 903 Main St., Nashville, Tennessee 37206. The applicant members are investing a combined total of approximately \$200k of personal funds into the business. The applicant also has a SBA loan in the amount of \$317k from Renasant Bank.<sup>15</sup> The applicant will lease the premises from Main Street Holdings, LLC for an initial term of five years, at a monthly rental rate of approximately \$8,500.<sup>16</sup> The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

- a. TABC Agent Investigative Report
- b. TABC Inspection
- c. Certificate of Occupancy
- d. TTB Brewer's Permit
- e. License Fee
- f. Acknowledgement of TABC Rules & Regulations

**DISCUSSION/ACTION TAKEN:** Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items. Commissioner Jones seconded the motion and it passed with

<sup>13</sup> The interest rate for the loan is 5.750% until 2020, at which time the interest rate will not be less than 5.0% per annum or more than the maximum rate allowed by applicable law.

<sup>14</sup> The remaining LLC members are: Garland D. Tinkler, 1%; Jeffrey A. Sims, 1%; Nicholas T. Naida, 1%; Reginald J. Smith, 1%; Thomas G. Peterson, 1%; Jonah J. Neff, 2%; Keith Hartman, 1%; Leslie B. Cunningham, 1%; Charles Lentz, 1%; Robert G. Kerr, 1%; Matthew B. Murphy, 1%; Thomas F. Sadler, 0.5%; Moon Tower Ventures (Brian Kirk), 0.5%; James McKarnes, 1%

<sup>15</sup> The interest rate for the SBA loan is the WSJ Prime + 2.50%. Additionally, William and Linda Lentz are loaning in the LLC \$125k (interest to be paid monthly at an annual rate of the daily Bank Prime Rate plus 1%, with a floor rate of 4.25%.

<sup>16</sup> The lease includes an option to renew for one additional period of five years. Monthly rent will increase to approximately \$10,000 by year five of the lease.

three ayes. (The applicant submitted a Brewer's notice at the meeting, but the permit is still needed)

## 7. PRIVATE CLUBS - NONE

### 7. INITIAL ORDERS TO BE REVIEWED BY THE COMMISSION –

#### A. In the matter of: Twinz-N-Control, Inc. d/b/a Twinz-N-Control (Docket No. 33.08-127159J)

The matter was heard on January 8, 2015 in front of Administrative Law Judge Thomas G. Stovall. Assistant Director Ginna Winfree and Staff Attorney, Joshua Stepp represented the ABC. Ms. Shari Danielle Elks represented Twinz-N-Control. The subject of the hearing was whether the Respondent's application for renewal of its catering LBD license should be denied, and on July 21, 2015, Judge Stovall issued an I/O ordering that the Respondent's application for renewal of its LBD license should be denied and the license revoked. Additionally, the ALJ ordered that the costs of the proceeding shall be assessed against the Respondent. Pursuant to T.C.A. § 4-5-315, the I/O is to be reviewed by the Commission.

In addition to review of the I/O, the second issue is a requested approval by the commission of an exception to Rule 0100-01-.03(12)<sup>17</sup> to allow Twinz-N-Control to hold limited service restaurant licenses for Classic Hitz and Classic Soulz at the same location or in close proximity to the catering hall of Twinz-N-Control, Inc.'s catering license which was revoked pursuant to the above Order. Staff recommends approval of this request, subject to the conditions which have been agreed to, between TABC Staff and Twinz-N-Control, Inc. in writing:

**DISCUSSION/ACTION TAKEN:** There were two motions associated with this item:

1<sup>st</sup> Commissioner Jones motioned to uphold Judge Stovall's I/O, (including the award of costs) making it the Final Order of the Commission. Commissioner Kaegi seconded the motion and it passed with 3 ayes.

2<sup>nd</sup> Commissioner Jones motioned to approve the continuation of the LBD license at the location; therefore allowing an exception to Rule 0100-01-.03(12). Commissioner Kaegi seconded the motion and it passed with 3 ayes.

## 9. SERVER APPEALS - NONE

## 10. MISC – NONE

## 11. NEXT MEETING – Tuesday, September 22, 2015 at 1:30 p.m.

<sup>17</sup> TABC Rule 0100-01-.03(12) Restrictions on License After Revocation, reads: (a) No license will be issued to the spouse, child or children, son-in-law or daughter-in-law, employee or other person having any interest in the business of a license whose license has been revoked, for the privilege of doing business at the same location or in close proximity to the location of the establishment whose license was revoked. (b) The commission may refuse to re-issue a license to the same person, firm or corporation whose license has been revoked for one (1) year from the date of said revocation.

## 12. UPCOMING MEETINGS

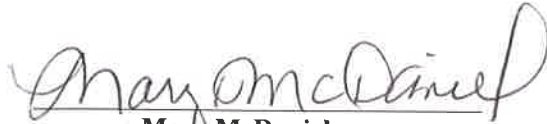
- Tuesday, September 22, 2015
- Tuesday, October 20, 2015 (set at the August 2015 meeting)

## 13. PRESENTATIONS TO FOLLOW REGULAR MEETING

- a. Update on the progress of the software implementation - Cornelia Gipson, Shelia Leslie, Julie Noonan, and Laurent Sorrentino gave a presentation on the Regulatory Licensing & Permitting System update
- b. Audit Presentation – moved to September
- c. Budget Presentation – moved to September

Chairperson McDaniel closed the meeting.

APPROVED FOR ENTRY UPON THE MINUTE BOOKS OF THE TENNESSEE  
ALCOHOLIC BEVERAGE COMMISSION THIS THE 22<sup>nd</sup> DAY OF SEPTEMBER 2015.



Mary McDaniel  
Chairperson



Keith Bell  
Executive Director

