

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

MINUTES  
August 26, 2014  
1:30 pm

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The regular meeting of the Tennessee Alcoholic Beverage Commission was held on Tuesday, August 26, 2014, in Nashville, Tennessee at 1:30 pm. Although Commissioner Kaegi was not present, a quorum was present with Chairperson Mary McDaniel and John A. Jones, and the meeting was conducted. Director Keith Bell, Assistant Director Ginna Winfree, CLEO Mark Hutchens, and Staff Attorney Joshua Stepp were present.

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1. **Approval of July Commission Meeting Minutes – Approved; Commissioner Jones motioned for approval and Chairperson McDaniel seconded the motion; the motion passed with 2 ayes.**
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2. **RETAIL**

A. **New Business**

1. **RIDGECREST CELLARS WINE, & SPIRITS  
JACKSON, TENNESSEE (MADISON COUNTY)**

Applicant: CSLS, LLC

Before the Commission is a request for approval of expansion of the premises of the retail store located at 2880 Ridgcrest Road in Jackson, Tennessee. Applicant, LLC plans to add approximately 800 square feet of warehouse space to the premises. The TABC staff recommends conditional approval of this request pending receipt of the following:

- a. TABC Final Inspection
- b. Local authority approval of build-out (Certificate of Occupancy)
- c. Per TABC Rule 0100-03-.13(13) licensees must maintain full compliance with all Tennessee laws, therefore, applicants seeking to sell "additional items," as authorized by P.C. 554, 2014, are required to be properly permitted by all relevant Tennessee State Agencies, including, but not limited to, the Dept. of Agriculture (in order to sell perishable foods, cheeses, cakes, etc.) and the Dept. of Revenue (in order to sell tobacco products). Copies of all state required permits are to be provided to the TABC prior to TABC licensing.

**Conditional approval subject to receipt of missing items. Commissioner Jones motioned for conditional approval and Chairperson McDaniel seconded the motion; motion passed with 2 ayes. Update- Received C/O and Inspection; Construction completed**

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2. **PICKWICK PACKAGE STORE  
SAVANNAH, TENNESSEE (HARDIN COUNTY)**

Applicant: Julie Fohn

Before the Commission is a request for approval of expansion of the premises of the retail store located at 380 Pickwick Street in Savannah, Tennessee. Applicant is planning to install a walk-in cooler along the rear wall of the store. The TABC staff recommends approval of this request pending receipt of the following:

- a. TABC Final Inspection
- b. Local governing authority approval of build-out (Certificate of Occupancy)
- c. Per TABC Rule 0100-03-.13(13) licensees must maintain full compliance with all Tennessee laws, therefore, applicants seeking to sell "additional items," as authorized by P.C. 554, 2014, are required to be properly permitted by all relevant Tennessee State Agencies, including, but not limited to, the Dept. of Agriculture (in order to sell perishable foods, cheeses, cakes, etc.) and the Dept. of Revenue (in order to sell tobacco products). Copies of all state required permits are to be provided to the TABC prior to TABC licensing.

**Commissioner Jones motioned for conditional approval subject to receipt of missing items. Chairperson McDaniel seconded the motion; motion passed with 2 ayes.**

**3. P & N LIQUORS  
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Applicant: P & N Liquors, LLC  
 Members: Polaria Baker 50%  
 Nakia Baker 50%

Before the Commission is a request for approval of a change in ownership of an existing retail store located at 2617 Elvis Presley Blvd. in Memphis, Tennessee. Nakia and Polaria Baker are investing \$20,000 of personal savings and have also secured a bank loan in the amount of \$165,000 as verified by TABC staff. Applicant, LLC plans to purchase the business assets from Shang J. Liaw, currently doing business as Cattaneo's Liquor Store, for a purchase price of \$130,000. The Baker's also purchased the title to the real property for a price of \$71,000. The TABC staff recommends approval of this application conditioned upon the following:

- a. ~~Clarification of paragraph 2 on page 2 of Sale Agreement: TABC requires wholesaler involvement. In accordance with Tennessee law, Sellers are to transfer title and possession of the liquor inventory to the applicant via TABC licensed wholesalers' involvement.~~
- b. TABC Inspection
- e. ~~Acknowledgement of TABC Rules and Regulations~~
- d. ~~\$850.00 License Fee~~
- c. Per TABC Rule 0100-03-.13(13) licensees must maintain full compliance with all Tennessee laws, therefore, applicants seeking to sell "additional items," as authorized by P.C. 554, 2014, are required to be properly permitted by all relevant Tennessee State Agencies, including, but not limited to, the Dept. of Agriculture (in order to sell perishable foods, cheeses, cakes, etc.) and the Dept. of Revenue (in order to sell tobacco products). Copies of all state required permits are to be provided to the TABC prior to TABC licensing.

**All items received – approved. Commissioner Jones motioned for approval and Chairperson McDaniel seconded the motion; motion passed with 2 ayes. -Update: License #3956 Issued 9/2/201**

**4. THE BOTTLE SHOPPE  
MEMPHIS, TENENSSEE (SHELBY COUNTY)**

Applicant: Gagliano's Liquor Inc.  
 Shareholders: Michael L. Hudson, 100%

Before the Commission is a request for licensing of a new retail store to be located at 3933 Park Avenue in Memphis, Tennessee. The Applicant owns Gagliano's Liquors (permit #3319) located at 1237 Getwell Rd. in Memphis, and is applying to own a second retail store pursuant to provisions of Public Chapter No. 554 allowing a retail licensee to hold more than one retail license provided that "no retail licensee shall hold more than fifty percent (50%) of the licenses authorized for issuance in such municipality or county, nor can the new location be within 1500 feet of an existing licensed establishment unless the existing business provides written permission."

The Applicant is investing \$100,000 of personal funds into the business as verified by TABC staff. The Applicant entered into an agreement with Park Center Partnership, a Missouri General Partnership, to lease the premises for an initial term of five years with a monthly rental of \$4,058.00. The TABC staff recommends conditional approval of this application pending receipt of the following items:

- a. TABC Inspection
- b. Acknowledgement of TABC Rules and Regulations
- c. Certificate of Occupancy
- d. ~~Applicant must provide documentation that it will not hold more than 50% of licenses in the municipality/county.~~  
**8-26-14 -letter received stating will not hold more than 50% ...**
- e. \$850.00 License fee
- f. Per TABC Rule 0100-03-.13(13) licensees must maintain full compliance with all Tennessee laws, therefore, applicants seeking to sell "additional items," as authorized by P.C. 554, 2014, are required to be properly permitted by all relevant Tennessee State Agencies, including, but not limited to, the Dept. of Agriculture (in order to sell perishable foods, cheeses, cakes, etc.) and the Dept. of Revenue (in order to sell tobacco products). Copies of all state required permits are to be provided to the TABC prior to TABC licensing.

**Commissioner Jones motioned for conditional approval subject to receipt of any noted provisions and Chairperson McDaniel seconded the motion; passed with 2 ayes.**

5. **BLUEGRASS BEVERAGES WINE, SPIRITS AND BEER  
HENDERSONVILLE, TENNESSEE (SUMNER COUNTY)**

Applicant: Bluegrass Beverages, Inc.  
Shareholder(s): William R. Sinks 100%

Current d/b/a: Bluegrass Beverages Wine & Spirits  
Proposed d/b/a: Bluegrass Beverages Wine, Spirits and Beer

Bluegrass Beverages, Inc. is requesting approval for a d/b/a name change and expansion of the premises located at 555 East Main St. in Hendersonville, TN. The Applicant plans to remove an existing wall separating the store from the beer market and will remodel both spaces to accommodate new products as allowed by law. The TABC staff recommends approval of the d/b/a name change, and recommends conditional approval of the expansion pending receipt of the following:

- a. Use & Occupancy Inspection and Certificate
- b. TABC Inspection
- c. Per TABC Rule 0100-03-.13(13) licensees must maintain full compliance with all Tennessee laws, therefore, applicants seeking to sell "additional items," as authorized by P.C. 554, 2014, are required to be properly permitted by all relevant Tennessee State Agencies, including, but not limited to, the Dept. of Agriculture (in order to sell perishable foods, cheeses, cakes, etc.) and the Dept. of Revenue (in order to sell tobacco products). Copies of all state required permits are to be provided to the TABC prior to TABC licensing.

**Commissioner Jones motioned for conditional approval subject to receipt of missing items, Chairperson McDaniel seconded the motion; motion passed with 2 ayes.**

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6. **STONES RIVER LIQUORS  
MURFREESBORO, TENNESSEE (RUTHERFORD COUNTY)**

Applicant: Kanisha Inc.

Applicant is requesting approval to expand and remodel the premises located at 208 N. Thompson Lane in Murfreesboro, Tennessee. Applicant plans to consolidate the existing space with the adjacent beer market area and will also remodel the area by relocating coolers and restrooms etc.... The TABC staff recommends conditional approval of this request pending receipt of the following:

- a. Use & Occupancy Finalization
- b. TABC Inspection
- c. Per TABC Rule 0100-03-.13(13) licensees must maintain full compliance with all Tennessee laws, therefore, applicants seeking to sell "additional items," as authorized by P.C. 554, 2014, are required to be properly permitted by all relevant Tennessee State Agencies, including, but not limited to, the Dept. of Agriculture (in order to sell perishable foods, cheeses, cakes, etc.) and the Dept. of Revenue (in order to sell tobacco products). Copies of all state required permits are to be provided to the TABC prior to TABC licensing.

**Commissioner Jones motioned for conditional approval subject to receipt of missing items, Chairperson McDaniel seconded the motion; motion passed with 2 ayes.**

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7. **JOE'S WINES & LIQUORS  
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Applicant: Joe's Wines & Liquors, LLC  
Members: Bradford A. Larson 50%  
Jana S. Larson 50%

Mr. Larson is requesting approval to add approximately 500 square feet of storage space to the retail store located at 1681 Poplar Avenue in Memphis, Tennessee. The TABC recommends conditional approval of this application pending receipt of the following:

- a. Final Use and Occupancy Permit
- b. TABC Inspection
- c. Per TABC Rule 0100-03-.13(13) licensees must maintain full compliance with all Tennessee laws, therefore, applicants seeking to sell "additional items," as authorized by P.C. 554, 2014, are required to be properly permitted by all relevant Tennessee State Agencies, including, but not limited to, the Dept. of Agriculture (in order to sell perishable foods, cheeses, cakes, etc.) and the Dept. of Revenue (in order to sell tobacco products). Copies of all state required permits are to be provided to the TABC prior to TABC licensing.

**Commissioner Jones motioned for conditional approval subject to receipt of missing items, Chairperson McDaniel seconded the motion; motion passed with 2 ayes.**

**8. SCOTT'S WINE & SPIRITS  
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Applicant: CSAN, Inc.  
Shareholders: Amy Mitchell, President 100%

Before the Commission is a request for licensing of a new retail store to be located at 7505 US Hwy 64, Ste. 101 in Memphis, TN. Amy Mitchell is investing \$50,000 of personal funds into the business, as verified by TABC staff. Applicant entered into an agreement with Appling Way I, LLC to lease the premises for approximately \$1,800 per month for years 1-2, \$1,900 for year 3, and \$2,000 for year five. The TABC recommends approval of this application pending receipt the following:

- a. Acknowledgement of TABC Rules & Regulations
- b. ~~\$850 License Fee~~ received
- c. TABC Inspection
- d. Per TABC Rule 0100-03-.13(13) licensees must maintain full compliance with all Tennessee laws, therefore, applicants seeking to sell "additional items," as authorized by P.C. 554, 2014, are required to be properly permitted by all relevant Tennessee State Agencies, including, but not limited to, the Dept. of Agriculture (in order to sell perishable foods, cheeses, cakes, etc.) and the Dept. of Revenue (in order to sell tobacco products). Copies of all state required permits are to be provided to the TABC prior to TABC licensing.

**Commissioner Jones motioned for conditional approval subject to receipt of missing items, Chairperson McDaniel seconded the motion; motion passed with 2 ayes. – Update: License #3955 Issued 9/2/2014**

**9. MUDDY WATERS WINE & SPIRITS, LLC  
ETOWAH, TENNESSEE (MCMINN COUNTY)**

Applicant: Muddy Waters Wine & Spirits, LLC  
Members: Austin Beck 50%  
Candice Beck 50%

Before the Commission is a request for licensing of a new retail store to be located at 623 N. Tennessee Avenue in Etowah, Tennessee. Austin Beck has secured a bank loan in the amount of \$125,000 to invest in the business. Applicant is leasing the premises from Tony E. and Karen B. Morgan for \$1,200, payable monthly, until the lease expires in 2019. The TABC staff recommends approval of this application pending receipt of the following:

- a. ~~Copy of loan agreement~~ received
- b. \$850.000 license fee
- c. Per TABC Rule 0100-03-.13(13) licensees must maintain full compliance with all Tennessee laws, therefore, applicants seeking to sell "additional items," as authorized by P.C. 554, 2014, are required to be properly permitted by all relevant Tennessee State Agencies, including, but not limited to, the Dept. of Agriculture (in order to sell perishable foods, cheeses, cakes, etc.) and the Dept. of Revenue (in order to sell tobacco products). Copies of all state required permits are to be provided to the TABC prior to TABC licensing.

**Commissioner Jones motioned for conditional approval subject to receipt of license fee, Chairperson McDaniel seconded the motion; motion passed with 2 ayes. – Update: License #3953 effective 8/27/2014**

**10. HUDSON'S WINE AND LIQUOR  
LINDEN, TENNESSEE (PERRY COUNTY)**

Applicant: Scott B. Hudson

Before the Commission is a request for approval of expansion of the retail store located at 205 School St. in Linden, Tennessee. Applicant plans to remove a wall to accommodate an additional cooler. Applicant has a \$35,000 bank loan to finance the expansion and purchase inventory. The TABC staff recommends approval of this request pending receipt of the following:

- a. TABC Inspection



13. PYRAMID WINES & SPIRITS  
MEMPHIS, TENNESSEE (SHELBY COUNTY)

Applicant: R & R Enterprises of Tennessee

Before the Commission is a request for approval to expand the premises of the establishment located at 120 A.W. Willis #101 in Memphis, Tennessee. Applicant plans to remove a wall to expand the premises. The TABC staff recommends conditional approval of this request pending issuance of a new Certificate of Occupancy.

Per TABC Rule 0100-03-.13(13) licensees must maintain full compliance with all Tennessee laws, therefore, applicants seeking to sell "additional items," as authorized by P.C. 554, 2014, are required to be properly permitted by all relevant Tennessee State Agencies, including, but not limited to, the Dept. of Agriculture (in order to sell perishable foods, cheeses, cakes, etc.) and the Dept. of Revenue (in order to sell tobacco products). Copies of all state required permits are to be provided to the TABC prior to TABC licensing.

**Commissioner Jones motioned for conditional approval subject to receipt of Certificate of Occupancy. Chairperson McDaniel seconded the motion; motion passed with 2 ayes.**

14. POUR VOUS  
HENDERSONVILLE, TENNESSEE (SUMNER COUNTY)

Applicant: Bonds Marketing & Sales, Inc.

Before the Commission is a request for approval to expand the premises of the retail store located at 263 Indian Lake Blvd. in Hendersonville, Tennessee. Applicant will remove a wall to combine the existing store with the space next door. Donald and Evelyn Bonds are leasing the premises to the Applicant for a monthly rental of \$16,500.00 until the lease expires in 2018. The TABC staff recommends approval of this request pending completion of TABC Inspection.

Per TABC Rule 0100-03-.13(13) licensees must maintain full compliance with all Tennessee laws, therefore, applicants seeking to sell "additional items," as authorized by P.C. 554, 2014, are required to be properly permitted by all relevant Tennessee State Agencies, including, but not limited to, the Dept. of Agriculture (in order to sell perishable foods, cheeses, cakes, etc.) and the Dept. of Revenue (in order to sell tobacco products). Copies of all state required permits are to be provided to the TABC prior to TABC licensing.

**Director Bell reviewed the matter to the Commission and recommended conditional approval subject to receipt of TABC Inspection and Certificate of Compliance. Commissioner Jones motioned for conditional approval subject to receipt of missing items and Chairperson McDaniel seconded the motion; motion passed with 2 ayes.**

15. GORDIN'S WINE & LIQUOR SHOPPE COST PLUS  
MEMPHIS, TENNESSEE (SHELBY COUNTY)

Applicant: Gordin, LLC

Member(s): Michael Gordin, President

100%

Before the commission is a request for licensing of the retail establishment to be located at 1781 S. Prescott in Memphis, Tennessee. Michael Gordin is investing \$300,000 of personal funds into the business, as verified by TABC staff. Applicant, LLC entered into a lease agreement with Grumpy, LLC, to lease the premises for an initial term of two years for \$1,000, payable per month. The TABC staff recommends approval of this request conditioned upon the following:

a. ~~\$850.00~~ License Fee received

b. Per TABC Rule 0100-03-.13(13) licensees must maintain full compliance with all Tennessee laws, therefore, applicants seeking to sell "additional items," as authorized by P.C. 554, 2014, are required to be properly permitted by all relevant Tennessee State Agencies, including, but not limited to, the Dept. of Agriculture (in order to sell perishable foods, cheeses, cakes, etc.) and the Dept. of Revenue (in order to sell tobacco products). Copies of all state required permits are to be provided to the TABC prior to TABC licensing.

**Commissioner Jones motioned for approval and Chairperson McDaniel seconded the motion; motion passed with 2 ayes. – Update: License #3952 Issued 8/27/2014**

B. Old Business - none

3. WINERIES

**A. NEW BUSINESS**

**1. BLUE SLIP WINERY  
KNOXVILLE, TENNESSEE (KNOX COUNTY)**

**Applicant: Blue Slip Winery, LLC**

Before the Commission is a request for Blue Slip Winery, located at 105B West Jackson Avenue in Knoxville, to relocate to The Historic Railway Station located at 300 West Depot Ave. The Applicant entered into an agreement with The Southern Station of Tennessee, LLC to lease the premises for an initial fifteen (15) year period, based on an annual minimum rent of \$220,000 for year one, and will increase to \$230,000 (year 2-3), \$240,000 (year 4-5), \$250,000 (years 6-10), and \$265,000 (years 11-15). Jeff Gaylon and Linn Slocum are investing a total of \$90,000 using personal savings and a line of credit from Bank of America.

There is also a belated request for a transfer of ownership. In December 2013, Linn Slocum held 100% ownership interest, but upon renewal, Jeff Galyon is listed as having 45% ownership, Linn Slocum – 45%, and Marvin House -10%. These changes occurred without commission approval. The TABC staff recommends conditional approval of this application pending receipt of the following:

- a. Certificate of Occupancy
- b. TABC Inspection
- c. Acknowledgement of TABC Rules and Regulations
- d. ~~Payment of citation fee for a change in ownership without commission approval.~~ Received

**Commissioner Jones motioned for conditional approval subject to receipt of missing items and Chairperson McDaniel seconded the motion; motion passed with 2 ayes.**

**2. BOOTLEGGERS HOMEMADE WINE, LLC  
PIGEON FORGE, TENNESSEE (SEVIER COUNTY)**

Applicant: Bootleggers Homemade Wine, LLC  
Primary location: 903 Parkway, Suite 108, Gatlinburg, Tennessee

Applicant, LLC is requesting approval to operate a satellite facility at 130/131 Island Drive, Building 13, Ste. #9117, in Pigeon Forge, Tennessee, as allowed under Public Chapter No. 1015, to be codified as T.C.A § 57-3-207<sup>1</sup>. Mountain Winery, LLC is subleasing the premises - owned by Leconte Village, LLC - to the Applicant for an initial term of five years for approximately \$46,000 per year. Rent will increase to \$91,000 annually beginning year two. The TABC staff recommends approval of this request conditioned upon issuance of a Certificate of Occupancy and TABC inspection.

**Commissioner Jones motioned for conditional approval subject to receipt of C/O and Inspection, and Chairperson McDaniel seconded the motion; the motion passed with 2 ayes.**

**3. DE TERRA VINEYARD & WINES OF SOMERVILLE  
SOMERVILLE, TENNESSEE (FAYETTE COUNTY)**

Applicant: Jerry R. Pentz Jr., Sole Proprietor

Before the commissions is a request for licensing of a winery to be located at 605 Joyners Campground Drive in Somerville, Tennessee. Mr. Pentz, sole proprietor, obtained a personal bank loan in the amount of \$60,000 to invest and is also investing approximately \$20,000 of personal funds. Mr. Pentz owns the real property with his wife and is leasing the premises to the winery for \$700.00 per month. The TABC staff recommends approval of this request conditioned upon receipt of the following:

- a. ~~TTB Federal Basic Permit~~
- b. TABC Inspection and Report
- c. Acknowledgement of TABC Rules & Regulations
- d. ~~Credit Check~~

<sup>1</sup> Pursuant to Public Chapter No. 1015, “[a] winery [at its satellite location] may conduct any business that is authorized at the licensed winery, except for the manufacturing and bottling of wine.”

- e. —Waiver of Administrative Hearing
- f. —\$150.00 License Fee

**Commissioner Jones motioned for conditional approval pending receipt of missing items (b. and c.) Chairperson McDaniel seconded the motion and it passed with 2 ayes. – Update: License # W-94 Issued 9/2/2014**

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4. FARM WINERIES

A. NEW BUSINESS

1. FOXCREEK CELLARS  
SWEETWATER, TENNESSEE (McMINN COUNTY)

Applicant: Tony Randall Givens and Hayley Givens, informal partnership

Before the Commission is a request for licensing of a farm winery located at 811 Co. Road 350 in Sweetwater, Tennessee; 37874. Applicants will be investing \$15,000 into the business using a line of credit from People's Bank in East Tennessee, as verified by TABC staff. The Givens' own the premises where the farm winery is to be located and they have also entered into a Custom Crush agreement with Morris Vineyard & Tennessee Mountain View Winery, LLC. The TABC staff recommends **conditional** approval of this request pending receipt of the \$150.00 licensing fee.

**Commissioner Jones motioned for conditional approval pending receipt of license fee and Chairperson McDaniel seconded the motion; motion passed with 2 ayes. – Update: License # FW-95 issued 9/3/2014**

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5. WHOLESALERS

A. NEW BUSINESS

1. GOLDEN SLOPE  
CHATTANOOGA, TENNESSEE (HAMILTON COUNTY)

Applicant: Red Suburban LLC  
Member(s)/shareholders: John L. McCune, President

Before the Commission is a request for licensing of a wholesale business to be located at 2101 Chestnut St. in Chattanooga, Tennessee; 37408. Owner, John McCune is investing \$85,000 of personal savings. Applicant, LLC entered into an agreement with Foresight Property Holdings, Inc. to lease approximately 1,720 square feet for an initial term of two years at a rental of \$950 per month. The TABC staff recommends conditional approval of this application pending receipt of the following:

- a. Certificate of Occupancy
- b. Verification of funds used to establish licensee
- c. \$3,000 license fee

**Commissioner Jones motioned for conditional approval pending receipt of missing items and Chairperson McDaniel seconded the motion; motion passed with 2 ayes. – Update: License # 20 issued 9/11/2014**

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2. HOLSTON BEVERAGES  
JOHNSON CITY, TENNESSEE (WASHINGTON COUNTY)

Applicant: Holston Beverages, LLC  
Member(s): Stuart F. Wood, sole member and Chief Manager, 100%

Before the Commission is a request for Holston Beverages to relocate its facilities from its current location, 3501 Workman Rd in Knoxville, to a new location located at 310 Lafe Cox Drive in Johnson City. Applicant is leasing the premises from Warehouse Central, LLC for \$100 per year. The TABC staff recommends approval of this request pending a TABC inspection and receipt of TABC Acknowledgement of Rules & Regulations.

**Commissioner Jones motioned for conditional approval subject to receipt of missing items and Chairperson McDaniel seconded the motion; motion passed with 2 ayes. – Update: Database updated with new address**

**3. L & H DISTRIBUTING CO., INC.  
TULLAHOMA, TENNESSEE (COFFEE COUNTY)**

Applicant: L & H Distributing Co, Inc.  
Shareholders: Robert B. Hennigan, President 52%  
Robert B. Hennigan, Jr., Vice President 24%  
Caroline M. Hennigan, Vice President 24%  
Alexandria M. Hennigan, Secretary 0%

Before the Commission is a request for licensing of the wholesale business located at 1309 North Washington St. in Tullahoma, Tennessee. Applicant is leasing the premises from B.A.B. Enterprises for a \$16,600, payable per month. The TABC staff recommends approval of this request pending receipt of the following:

- a. \$3,000 License Fee
- b. Waiver of Right to Administrative Hearing
- ~~c. Applicant's Financial/Credit Check received~~

**Commissioner Jones motioned for conditional approval subject to receipt of missing items (a. and b.) and Chairperson McDaniel seconded the motion; motion passed with 2 ayes. – Update: License #17 issued 8/27/2014**

**4. ATHENS DISTRIBUTING COMPANY of NASHVILLE  
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: Athens Distributing Company of Nashville, General Partnership

Before the Commission is a request for approval of the expansion of the wholesale establishment located at 3001 Owen Drive in Nashville, Tennessee. The Applicant is adding 32,000 sq. feet to accommodate larger amounts of inventory. The TABC staff recommends approval of this application pending the following:

- a. TABC Inspection
- b. Issuance of Certificate of Occupancy

**Commissioner Jones motioned for conditional approval subject to receipt of missing items and Chairperson McDaniel seconded the motion; motion passed with 2 ayes.**

**5. KNOXVILLE BEVERAGE  
KNOXVILLE, TENNESSEE (KNOX COUNTY)**

Applicant: Knoxville Beverage Company, Inc.  
Previous: Michael B. Milner, 100%  
Proposed: Michael B. Milner, 88%  
Megan Milner, Trustee (Michael B. Milner Irrevocable Trust), 6%  
Julie K. Dukes, Trustee (Michael B. Milner Irrevocable Trust), 6%

Before the Commission is a belated request for a transfer of stock ownership interest in the wholesale business located at 1335 E. Weisgarber Rd. in Knoxville, TN. On June 26, 2014, Michael Milner transferred 6.0% ownership interest to Megan Milner Evans and another 6.0% interest to Julie K. Dukes. This transfer occurred without commission approval. The TABC staff recommends conditional approval of this transfer pending payment of a \$1,500 citation fee and receipt of the \$300.00 application fee.

**Commissioner Jones motioned for approval subject to receipt of any missing items. Chairperson McDaniel seconded the motion and it passed with 2 ayes. Citation fee and application fee both received the day of the Commission meeting.**

**6. DISTILLERY**

**A. NEW BUSINESS**

**1. SAMUEL T. BRYANT DISTILLERY, LLC  
JACKSON, TENNESSEE (MADISON COUNTY)**

Applicant: Bryant Distillery, LLC  
Member(s): Samuel, T. Bryant 100%

Before the Commission is a request for licensing of a distillery to be located at 1331 Lower Brownsville Road in Jackson, Tennessee. The Applicant is investing \$140,000 into the business. Mr. Bryant will use funds from personal savings accounts and also has a line of credit in the amount of \$95,000 (at 4.00%) interest from Commercial Bank and Trust. The Applicant is leasing the premises from Samuel P. Bryant for 1% of the gross revenue per year "once the business becomes profitable."

The TABC staff recommends approval of this application subject to the following conditions:

- a. TABC Inspection
- b. ~~Acknowledgment of Rules & Regulations~~
- c. Waiver of Right to Administrative Hearing
- d. Questionnaire from father, Samuel P. Bryant
- e. ~~Clarification of Applicant's intent for Federal Basic Permits re: importing and wholesale permit.~~

**Commissioner Jones motioned for conditional approval subject to receipt of missing items and Chairperson Jones seconded the motion; motion passed with 2 ayes. – Update: License #110 issued 9/16/2014**

**2. BIG RIVER DISTILLING COMPANY LLC  
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Applicant: Big River Distilling Company LLC  
Members: Alexander Folk, CEO 34.21%  
Winston Folk, CEO 34.21%

Before the Commission is a request for licensing of a distillery to be located at 802 Royal Avenue in Memphis, Tennessee. Various private investors are contributing a total of \$600,000 into the business. Applicant, LLC is leasing the premises from Union Realty, Company GP, a Tennessee General Partnership, for an initial term of 38 months based on a monthly rental of approximately \$2,100. The TABC staff recommends conditional approval of this application pending receipt of the following items:

- a. TABC Agent Inspection and Report
- b. Acknowledgement of TABC Rules & Regulations
- c. Waiver of Right to Administrative Hearing
- d. \$1,000 License Fee

**Commissioner Jones motioned for conditional approval subject to receipt of missing items and Chairperson McDaniel seconded the motion; motion passed with 2 ayes.**

**3. CORSAIR DISTILLERY  
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: CORSAIR ARTISAN, LLC  
Original Premises: 1200 Clinton Street, Nashville, Tennessee

Applicant, LLC is requesting approval to store its products at 601 Merritt Avenue, Nashville, Tennessee, as permitted under T.C.A. § 57-2-104<sup>2</sup>. Once aging is complete, the barrels will be returned to the original premises. No distilling or bottling will occur at the non-contiguous premises. The TABC staff recommends approval of this request based on the following: the Applicant is licensed under T.C.A. § 57-2-102, the proposed storage facility is located within the same city/county as the original facility; the Applicant has obtained TTB approval for the non-contiguous premises as an extension of the original premises.

<sup>2</sup> Tenn. Code Ann. § 57-2-104: It is lawful for the holder of a license issued pursuant to § 57-2-102, or the authorized agent of such licensee, to possess, store or transport the products of the manufacturing plant within, over and across the state; provided, that any alcoholic beverages or wine produced at a plant located within this state shall be stored by the licensee only within the county authorizing the operation or in a county adjacent to the county authorizing the manufacturing operation, and such possession shall be limited to storage facilities of such manufacturer; and further provided, that such licensee may also possess such alcoholic beverages or wine while being transported, whether within or outside of the state. It is lawful for common carriers to transport the products of such manufacturing plant only pursuant to an agreement or contract with a licensee under this title.

**Director Bell reviewed the matter to the Commission and recommended approval subject to a TABC Inspection. Commissioner Jones motioned for conditional approval and Chairperson McDaniel seconded the motion; motion passed with 2 ayes.**

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7. PRIVATE CLUBS

A. NEW BUSINESS

1. COLONIAL HEIGHTS AERIE #3274  
KINGSPORT, TENNESSEE (SULLIVAN COUNTY)

Applicant: Fraternal Order of Eagles  
Current Location: 4209 Fort Henry Drive, Kingsport, Tennessee  
Proposed Location: 138 Hemlock Road, Kingsport, Tennessee

Applicant is requesting approval to transfer its business to a new location. Applicant is leasing the premises from Timothy Harrell for an initial term of five years for a rental of \$2,000 per month. All documentation and requirements have been met and the TABC staff recommends approval of the request.

**Director Bell reviewed the matter to the Commission and recommend approval. Commissioner Jones motioned for approval and Chairperson McDaniel seconded the motion; motion passed with 2 ayes.**

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2. VFW POST 4730 CANTEEN  
DOVER, TENNESSEE (STEWART COUNTY)

Applicant: Carl Wallace Post 4730 Veterans of Foreign Wars  
Officers: William B. Gafford - Commander  
Todd F. Heggley – Sr. Vice Commander  
Douglas D. Young - Jr. Vice Commander  
Larry Dollar Jr. - Quartermaster  
Ronald Jercha - 3 year Trustee  
Charles D. Gilmore - 2 year Trustee  
John C. Williams - 1 year Trustee

Before the Commission is a request for licensing, pursuant to T.C.A. § 57-4-102(8)(A), of a not-for-profit private club, to be located at 129 Long Creek Road in Dover, Tennessee. The applicant is a nonprofit organization organized and existing under the laws of the State of Tennessee and designated as a 501(c)(19) by the Internal Revenue Service and has 224 members with each member paying \$35.00 in annual dues. A land lease is not required as the applicant own the real property upon which it is located. The applicant meets the requirements for a private club including being organized and operated exclusively for pleasure, recreation and other nonprofit purposes, no part of the net earnings inures to the benefit of any member, has a suitable kitchen and dining area and no member, officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the sale of spirituous liquors, wines, champagnes or malt beverages beyond the amount of salary as may be fixed by its members at an annual meeting or by its governing body out of the general revenue of the club. The TABC staff recommends approval of this application subject to receipt of the following requirements:

- a. City/County Business License
- b. Bond
- c. \$500 License Fee

**Commissioner Jones motioned for conditional approval subject to receipt of missing items, and Chairperson McDaniel seconded the motion; motion passed with 2 ayes.**

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8. ADMINISTRATIVE HEARINGS

A. ALJ INITIAL ORDER TO BE REVIEWED BY COMMISSION- CONTINUED FROM THE JULY COMMISSION MEETING.

- 1. IN THE MATTER OF: TENNESSEE ALCOHOLIC BEVERAGE COMMISSION V. UNIVERSITY LIQUOR, INC., D/B/A UNIVERSITY PACKAGE WINE AND LIQUOR WAREHOUSE

DOCKET NO: 33.02-12355J

The matter was heard by Administrative Judge Marion Wall on April 10, 2014, upon the charges filed by the State on November 12, 2013. Joshua Stepp, Staff Attorney, represented the Tennessee Alcoholic Beverage Commission, and Attorney David Briley represented the Respondent. On June 11, 2014, an Initial Order was issued revoking license number 3050 based on a preponderance of the evidence that Respondent violated Tenn. Comp. R & Reg. 0100-03-.13, T.C.A. § § 39-14-114, 39-16-301, and 39-14-120. On June 26, 2014, Respondent filed a Petition for Appeal with the Administrative Procedures Division requesting a hearing with oral argument before the Commission.

**Attorney David Briley represented Respondent, University Liquor, Inc., and Joshua Stepp, Staff Attorney for the TABC represented the agency in this initial order review. Commissioner Jones motioned to uphold the order. Chairperson McDaniel seconded the motion; the motion passed with 2 ayes.**

9. MISCELLANEOUS –

A. APPROVAL OF PERMISSIBLE METHODS OF PAYMENT PURSUANT TO P.C. 1015, 2014,  
 - Continued from July Commission Meeting.

Final consideration and approval by the Commission of permissible methods of payments allowed pursuant to Public Chapter 1015, 2014; effective May 24, 2014. At the May 27th Commission meeting there was discussions and presentations regarding HB2027 (Public Chapter 1015). This public chapter (at Section 10) amends T.C.A. Section 57-4-203 and now states:

(n) In order to facilitate the prompt payment of state taxes imposed upon wholesalers, payment for all sales to any licensee holding a license under this chapter by a wholesaler shall be made upon delivery of the product and shall be made by electronic funds transfer, credit card, debit card, or such other method as approved by the commission that will facilitate full payment at or near the time of delivery.

The Commission was charged in this Public Chapter 1015 by the General Assembly to approve other permissible methods of payments allowed under this amended statute and the TABC staff recommends to the Commissioners the following as permissible methods of payment:

- Check
- Certified funds
- Electronic Funds Transfer
- Automated Clearing House
- Fintech System (or similar payment system)
- Currency
- Escrow payment
- Credit card
- Debit card

**Commissioner Jones motioned to approve the recommended payment methods and Chairperson McDaniel seconded the motion; the motion passed with 2 ayes.**

10. PENDING MATTERS LIST

A. Commission Meeting Dates for the 2014 calendar year:

- September 23, 2014

B. Confirmation/Change of October 28, 2014 Commission Meeting Date – Oct 28, 2014  
 Commission meeting date confirmed, and the meeting date for November is to be set at the September meeting.

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11. **PERSONNEL-Introduction to the Commission of recently hired TABC employees. Director Bell introduced new SAC for the Nashville post, Mr. Melvin Brown.**
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12. **DATE OF NEXT MEETING – September 23, 2014**

APPROVED FOR ENTRY UPON THE MINUTE BOOKS OF THE TENNESSEE ALCOHOLIC BEVERAGE COMMISSION THIS THE 23<sup>rd</sup> DAY OF SEPTEMBER, 2014.

  
Mary McDaniel  
Chairperson

  
Keith Bell  
Executive Director

