

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

**MINUTES
July 23, 2013
1:30 pm**

The regular meeting of the Tennessee Alcoholic Beverage Commission was held on Tuesday, July 23, 2013 in Nashville, Tennessee at 1:30 p.m. Although Chairperson Mary McDaniel was not present, a quorum was present with Commissioner John Jones and Commissioner Bryan Kaegi (Acting Chairperson) and therefore the meeting was conducted. Executive Director, E. Keith Bell, Assistant Director, Ginna Winfree, and CLEO, Mark Hutchens, were present.

1. The Minutes for June 25, 2013 Commission Meeting were approved.
2. RETAIL
 - A. NEW BUSINESS

1. **CITY WINE AND LIQUOR
MCKENZIE, TENNESSEE (CARROLL COUNTY)**

Applicant: B & W, LLC
d/b/a City Wine and Liquor
Member(s): David Roger Barksdale (49% Partner)
Tressia Gail Barksdale (51% Partner)

Before the Commission is a request for a new retail store located at 15846 Highland Drive, McKenzie, Tennessee. David Barksdale and Tressia Barksdale will be investing an adequate sum of monies to operate the store based on personal funds as verified by the TABC agents. The lease is by and between the applicant, B & W, LLC d/b/a City Wine and Liquor and GKS Properties. The terms of the lease are \$450.00/mo. for three (3) years and will increase 4% at the end of each lease year. After the initial three (3) years the lease will automatically renew for another three (3) year term and continue to automatically renew unless the lessee (applicant) provides written notice of intent to terminate lease sixty (60) days prior to expiration. All documentation and agency requirements have been submitted. The TABC staff recommends approval of this application.

Discussion/Action Taken:

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

Commissioner Jones made a motion to approve. Commissioner Kaegi (Acting Chairperson) seconded the motion and it passed with 2 ayes.

UPDATE: Their retail license was issued 7/25/13.

**2. CAMDEN LIQUOR
CAMDEN, TENNESSEE (BENTON COUNTY)**

Licensee: OM Shivay Corporation
Stockholder(s): Binal J. Patel, President (100%)

Before the Commission is a request for a new retail store located at 151A Hwy 641N, Camden, Tennessee. Ms. Patel will be investing an adequate sum of monies to operate the store based on a bank loan from the Bank of Camden as verified by TABC agents. The lease is between Jignesh A. Patel and wife, Binal J. Patel and the applicant, OM Shivay Corporation, through its managing member, Binal J. Patel. The lease agreement is for a term of ten (10) years at \$2,500.00/mo. If Lessee (applicant) holds over after the end of the lease term, the lease shall continue on a month to month basis under the same terms and conditions set out herein. All documentation has been submitted. The TABC staff recommends approval of this application.

Discussion/Action Taken:

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

Commissioner Jones made a motion to approve. Commissioner Kaegi (Acting Chairperson) seconded the motion and it passed with 2 ayes.

UPDATE: Their retail license was issued 8/5/13.

**3. BUD & HAL'S LIQUORS
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Applicant: Don Brignole and Mildred Brignole
Partnership(s): Don Brignole (50%)
Mildred Brignole (50%)

Before the Commission is a request for a transfer of location of Bud & Hal's Liquors currently located at 4097 Elvis Presley, Memphis, Tennessee to 4128 S. Plaza Drive, Memphis, Tennessee. Don Brignole and his mother, Mildred Brignole, wish to relocate their retail liquor store into a new, modern and much larger space located within the same shopping center in the

Whitehaven area of Memphis where Bud & Hal's has been operating for over forty (40) years. The new location will be almost three times larger than their current space. The retail lease agreement for the new space in by and between the applicant(s), Don Brignole & Mildred Brignole d/b/a Bud and Hal's Liquors and South Plaza Company for a term of ten (10) years and six (6) months. The rental rate for months 1-6 is \$0 (abatment period), months 7-66 is \$4,920.41/mo., and months 67-128 is \$5,403.92/mo. All documentation has been provided with the exception of the following:

- a. Certificate of Occupancy
- b. TABC Inspection

The TABC staff recommends approval of this application upon receipt of the missing documentation.

Discussion/Action Taken:

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

Commissioner Jones made a motion to approve. Commissioner Kaegi (Acting Chairperson) seconded the motion and it passed with 2 ayes.

UPDATE: Their retail license has not been issued. The Certificate of Occupancy and TABC Inspection have not been received by the TABC.

**4. THE WINE SHOPPE AT GREEN HILLS
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

- Applicant:** WSGH, LLC
d/b/a The Wine Shoppe at Green Hills
- Member(s):** Robert Grussing, IV, President (51%)
Theresa M. Grussing, Vice-President (49%)

Before the Commission is a request for a transfer of ownership of The Wine Shoppe at Green Hills located at 2109 Abbott Martin Road, Nashville, Tennessee. WSGH, LLC will be purchasing the retail store from Lushlife Brand Ventures, LLC for an adequate sum of monies based on personal funds and a commercial loan with Wells Fargo SBA Lending as verified by TABC agents. There is a lease modification and assignment agreement between Bandywood Corners LP ("Landlord"), Lushlife Brand Venture, LLC, ("Assignor"), and the applicant, WSGH, LLC ("Assignee"). At the execution of the agreement the term of the lease shall be extended for an additional five (5) years with two and one-half percent (2½%) annual increase and

terminate on September 30, 2020. The Assignor shall remain jointly and severally liable on the lease with Assignee until September 30, 2015. All documentation has been provided with the exception of the following:

- a. \$ 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:

Robert Grussing IV and Attorney Will Cheek were in attendance. Director Bell reviewed the matter to the Commission and recommended approval upon receipt of the license fee.

Commissioner Jones made a motion to approve. Commissioner Kaegi (Acting Chairperson) seconded the motion and it passed with 2 ayes.

UPDATE: This retail license was issued 7/23/13.

**5. 2828 DISCOUNT LIQUOR
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: Sheren Botrs
Sole Proprietorship

Before the Commission is a request for a new retail package store located at 2828 Gallatin Pike, Nashville, Tennessee. Sheren Botrs will be investing an adequate sum of monies to operate the store based on personal funds from the sale of a business inventory previously owned, A & G Market. The lease for the property is between Brothers Investments, Inc. and the applicant, Sheren Botrs, for a term of three (3) years. The lessee agrees to have one, seven (7) year option lease to renew. The rental rate will be \$2,000.00/mo. until July 2016, \$2,250.00/mo. August 1, 2016 through July 31, 2018, and \$2,500.00/mo. August 1, 2019 through July 1, 2022. All documentation has been provided with the exception of the following:

- a. Corrected Lease Agreement (Lessee's name incorrect) - received
- b. \$850.00 License Fee - received

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

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended approval upon receipt of the missing items.

Commissioner Jones made a motion to approve upon receipt of the missing documentation. Commissioner Kaegi (Acting Chairperson) seconded the motion and it passed with 2 ayes.

UPDATE: Their retail license was issued 7/26/13

**6. DOWNTOWN LIQUOR
BROWNSVILLE, TENNESSEE (HAYWOOD COUNTY)**

Applicant: Downtown Liquors, LLC

Member(s): Bernard David Farber (100%)

Before the Commission is a request for a new retail package store located at 1142 N. Washington Avenue, Brownsville, Tennessee. Bernard Farber will be investing an adequate sum of monies to operate the store based on personal funds with First Bank as verified by TABC Agents. The lease is between the applicant, Downtown Liquors, LLC (“Tenant”), and Oliver Voss and Floyd Crain (“Landord”) for a term of five (5) years at a rental rate of \$500.00/mo. The applicant has the option to renew this Lease at the expiration of the initial Term for two (2) renewal terms of five (5) years. There will be a 20% increase in the monthly rent for each renewal term. All documentation has been provided with the exception of the following:

- a. \$850.00 License Fee

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

Discussion/Action Taken:

Director Bell reviewed the matter to the Commissioner and recommended approval upon receipt of the missing fee.

Commissioner Jones made a motion to approve upon receipt of the missing documentation. Commission Kaegi (Acting Chairperson) seconded the motion and it passed with 2 ayes.

UPDATE: \$850.00 License Fee still pending.

**7. MR BOJANGLES LIQUOR & WINE PACKAGE STORE
MCKENZIE, TENNESSEE (CARROLL COUNTY)**

Applicant: Rachel L. McDaniel
Sole Proprietorship

Before the Commission is a request for a new retail store located at 531 Magnolia Street, McKenzie, Tennessee. Ms. McDaniel will be investing an adequate sum of monies to operate the store based on personal funds and a commercial loan with McKenzie Banking Company as verified by TABC Agents. The lease is by and between the applicant, Rachel McDaniel, and Don McDaniel for a term of five (5) years at \$700.00/mo. All documentation has been provided with the exception of the following:

- a. Acknowledgment of Rules & Regs - received
- b. TABC Inspection - received
- c. \$850.00 License Fee - received

Discussion/Action Taken:

Rachel McDaniel was in attendance. Director Bell reviewed the matter to the Commission and recommended approval upon receipt of the missing fee and documentation.

Commissioner Jones made a motion to approve upon receipt of the missing documentation and license fee. Commissioner Kaegi (Acting Chairperson) seconded the motion and it passed with 2 ayes.

UPDATE: The retail license was issued 7/23/13.

**8. MAIN STREET SPIRITS
CAMDEN, TENNESSEE (BENTON COUNTY)**

Applicant: Tram, LLC
Members(s): Shane Morris, President (33%)
Holly Morris Harrison, Vice-President (33%)
Tonya Reynoldson, Sec/Treas (33%)

Before the Commission is a request for a new retail store located at 156 W Main Street, Camden, Tennessee. Shane Morris will be investing an adequate sum of monies to operate the store based on a line of credit with Carroll Bank & Trust; Holly Morris Harrison will be investing an adequate sum of monies to operate the store based on personal funds with Security Bank & Trust and Carroll Bank & Trust; Tonya Reynoldson will be investing an adequate sum of monies to operate the store based on a line of

credit with Carroll Bank & Trust as verified by TABC Agents. The lease for the property is by and between the applicant, TRAM, LLC d/b/a Main Street Spirits, and Michelle Harrison for a term of two (2) years at \$750.00/mo. There is not a renewal option referenced in the current lease. All documentation has been provided with the exception of the following:

- a. \$850.00 License Fee
- b. Certificate of Occupancy
- c. TABC Inspection
- d. Acknowledgement of Rules & Regs
- e. Signed Letter of Waiver from Holly Harrison and Tonya Reynoldson

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

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended approval upon receipt of the missing fee and documentation.

Commissioner Jones made a motion to approve upon receipt of the missing documentation and license fee. Commissioner Kaegi (Acting Chairperson) seconded the motion and it passed with 2 ayes.

UPDATE: The TABC has not received the missing documentation or license fee.

**9. CITY SLIQUORS, LLC
LAVERGNE, TENNESSEE (RUTHERFORD COUNTY)**

Applicant: City Sliquors, LLC
Member(s): Peter E. Spelta, III (49.5%)
Kevin J. Berta (49.5%)
Jeremy L. Sargent (1%)

Before the Commission is a request for a new retail store located at 5410 Murfreesboro Road, LaVergne, Tennessee. Each of the members will be investing an adequate sum of monies to operate the store based on personal funds and secured loans as verified by the TABC agents. The lease is by and between the applicant, City Sliquors, LLC and Five Kids Futures, LLC for a term of twenty-five (25) years at \$6,500.00/mo. All documentation and agency requirements have been submitted with the exception of the following:

- a. \$850.00 License Fee
- b. TABC Inspection
- c. Surrender of Jeremy Sargent's Wholesaler's Employee Permit – received

The TABC staff recommends approval of this application upon receipt of the license fee, the missing documentation and the surrender of Jeremy Sargent's Wholesaler's Employee Permit.

Discussion/Action Taken:

Peter Spelta, III, Kevin Berta, and Jeremy Sargent were all in attendance. Director Bell reviewed the matter to the Commission and recommended approval upon receipt of the missing fee, documentation and the surrender of Jeremy Sargent's Wholesaler's Employee Permit.

Commissioner Jones made a motion to approve upon receipt of the missing documentation, license fee, and the surrender of Jeremy Sargent's Wholesaler's Employee Permit, Commissioner Kaegi (Acting Chairperson) seconded the motion and it passed with 2 ayes.

UPDATE: The TABC received the surrender of Jeremy Sargent's Wholesaler's Employee Permit. The \$850.00 License Fee and TABC Inspection are still pending items.

**10. VIN FINE WINE & SPIRITS
LEBANON, TENNESSEE (WILSON COUNTY)**

Applicant: Vin Fine Wine & Spirits, LLC
Member(s): Jennifer Wolkonowski (100%)

Before the Commission is a request for a new retail store located at 105 Signature Place, Lebanon, Tennessee. Jennifer Wolkonowski will be investing an adequate sum of monies to operate the store based on personal loans from Chester & Priscilla Wolkonowski and Paul & Allisen Randolph, both of which have signed an affidavit declaring no ownership or personal interest in Vin Fine Wine & Spirits, LLC, and personal funds with Pinnacle Bank as verified by the TABC agents. The lease is by and between the applicant, Vin Fine Wine & Spirits, LLC and Lawrence Gateway, LLC for a term of three (3) years with the initial term beginning July 1, 2013 and ending September 30, 2016 with an option to renew for two (2) successive three (3) year periods. The rental rate is \$3,442.17/mo.

until October 1, 2014, and in October of every year thereafter the rent per square foot will increase by a maximum of two percent (2%). All documentation and agency requirements have been submitted with the exception of the following:

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

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

Discussion/Action Taken:

Jennifer Wolkonowski and Priscilla Wolkonowski were in attendance. Director Bell reviewed the matter to the Commission and recommended approval upon receipt of the missing fee and documentation.

Commissioner Jones made a motion to approve upon receipt of the missing documentation and license fee, Commissioner Kaegi (Acting Chairperson) seconded the motion and it passed with 2 ayes.

UPDATE: The \$850.00 License Fee, TABC Inspection, and Acknowledgment of Rules & Regs are still pending items.

**11. NORTHWEST LIQUORS
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

**Applicant: Jenar M. Kader
Sole Proprietorship**

Before the Commission is a request for a transfer of ownership of Northwest Liquors located at 1613 Buchanan Street, Nashville, Tennessee. Jenar Kader will be purchasing the store for an adequate sum of monies based on personal savings with the Tennessee Credit Union and the sale of assets as verified by TABC agents. The lease is by and between the applicant, Jenar M. Kader d/b/a Northwest Liquors, and Bhupat Mehta for a term of sixty (60) months for a base rent of \$2,500.00/mo. with an option to renew for an additional sixty (60) months at \$2,600.00/mo. 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 the license fee.

Discussion/Action Taken:

Jenar Kader and Attorney Chris Raybeck were in attendance. 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 (Acting Chairperson) seconded the motion and it passed with 2 ayes.

UPDATE: The license fee was received and the retail license was issued 7/25/13.

**12. EAST SIDE LIQUOR AND WINES, INC.
ELIZABETHTON, TENNESSEE (CARTER COUNTY)**

Applicant: East Side Liquor and Wines, Inc.
Stockholder(s): William B. Armstrong (100%)

Before the Commission is a request to expand the storage area at the store located at 1201 19E Bypass, Elizabethton, Tennessee. William Armstrong originally purchased suites 5 & 6 when his license was issued in February, 2013. Mr. Armstrong has now purchased suite 4 and is requesting to expand the storage area of suite 5 into suite 4. All documentation and agency requirements have been submitted. The TABC staff recommends approval of this application.

Discussion/Action Taken:

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

Commissioner Jones made a motion to approve the request to expand the storage area, Commissioner Kaegi (Acting Chairperson) seconded the motion and it passed with 2 ayes.

**13. SOMERVILLE WINES & SPIRITS
SOMERVILLE, TENNESSEE (FAYETTE COUNTY)**

Applicant: Somerville Wines & Spirits, LLC
Member(s): Glen Stewart, President (99%)
Wallace Johnson, Vice President (1%)

Before the Commission is a request for a transfer of location for Somerville Wines & Spirits currently located at 17503 Highway 64, Somerville, Tennessee. This matter was

continued from the June 25, 2013 commission meeting. The applicant wishes to purchase a building located at 16990 Highway 64, Somerville, Tennessee, as opposed to leasing a building. Glen Stewart and Wallace Johnson will be investing an adequate sum of monies to operate the store based on personal funds and a loan from Somerville Bank and Trust as verified by TABC Agents. All documentation has been provided with the exception of the following:

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

The TABC staff recommends approval of this application upon receipt of the missing documentation.

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended approval upon receipt of the missing documentation.

Commissioner Jones made a motion to approve upon receipt of the missing documentation, Commissioner Kaegi (Acting Chairperson) seconded the motion and it passed with 2 ayes.

UPDATE: The retail license was issued 8/2/13 for the transfer of location.

**14. TEE JAY'S
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Applicant: Tee Jay's, LLC
Member(s) Sharon Stuart

Before the Commission is a request for a transfer of ownership of Tee Jay's, LLC located at 3085 Summer Avenue, Memphis, Tennessee. Sharon Stuart will be purchasing the store for an adequate sum of monies based on a trust fund with Park Avenue Securities as verified by TABC agents. All documentation and agency requirements have been submitted with the exception of the following:

- a. \$850.00 License Fee - received
- b. Updated copy of Lease - received
- c. Closing of the sale by the parties – received

The TABC staff recommends a conditional approval of this application contingent upon proof of the sale closing within 20

calendar days of the commission's conditional approval and receipt of the license fee and missing documentation.

Discussion/Action Taken:

Attorney Chuck Welch was in attendance on behalf of the applicant. Director Bell reviewed the matter to the Commission and recommended approval upon receipt of the closing documentation, updated copy of lease and license fee.

Commissioner Jones made a motion to approve upon receipt of the missing documentation and the license fee, Commissioner Kaegi (Acting Chairperson) seconded the motion and it passed with 2 ayes.

UPDATE: The change in ownership has been updated and recorded.

3. **WINERIES - There are no Winery matters to be heard by the Commission.**

4. **WHOLESALE**

1. **STAR DISTRIBUTORS, LLC
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Applicant: Star Distributors, LLC (Victor L. Robilio Company, Inc. – permit 22 and Star Distributors Co., Inc. – permit 34)

Before the Commission is a request for the following: Victor L. Robilio Company, Inc., a Tennessee corporation licensed to distribute alcoholic beverages and wine at wholesale pursuant to Tenn. Code Ann. § 57-3-203 (hereinafter "Robilio Company, Inc.") and Star Distributors Company, Inc., a Tennessee corporation licensed to distribute alcoholic beverages and wine at wholesale pursuant to Tenn. Code Ann § 57-3-203 (hereinafter "Star Corp"), respectfully request the approval of the Alcoholic Beverage Commission for the following license transfers to take effect as soon as possible: Robilio Company, Inc. wishes to transfer its license to Victor L. Robilio Company, LLC (hereinafter "Robilio, LLC"), a Tennessee limited liability company, and Star Corp wishes to transfer its license to Star Distributors, LLC, a Tennessee limited liability company. Both of the new licensees, Robilio, LLC and Star Distributors, LLC, wish to continue to operate at the existing wholesale locations of the previous license holders. Currently, Robilio Company, Inc. is a 100%, wholly owned subsidiary of Glazer's Distributors of Tennessee, Inc. and Star Corp is 100% owned by David Benson and Al LaRocca. After the necessary transactions take place and the new entity/parent company/license applicant, Star

Distributors, LLC, is established, the respective ownership interest breakdown of Star Distributors, LLC will be as follows:

Percentage Breakdown of parent Company: Star Distributors, LLC (new permit holder)

51% - Glazer's Distributors of Tennessee, Inc.

47% - Spritzer Holding Company

1% - David Benson, LLC

1% - PFICO, LLC

Furthermore, Robilio, LLC will be a wholly-owned subsidiary of Star Distributors, LLC. Thus, under the business operations of Star Distributors, LLC, there will be two new permit holders operating a shared business with two separate locations.

Permit/Location #1

The permit to be held by Robilio, LLC shall be at the property located at 3680 Air Park Street, Memphis, TN 38118. Robilio, LLC shall operate as a wholly-owned subsidiary of Star Distributors, LLC

Permit/Location #2

The permit to be held by Star Distributors, LLC shall be at the property located at 6290 Shelby View Drive, Memphis, TN 38134. The ownership interests of Star Distributors, LLC are reflected in the attached Post Closing Ownership chart and a list of all owners/officers of all entities is attached to each respective Application for License to Sell Alcoholic Beverages at Wholesale.

All documentation and agency requirements have been submitted, the TABC staff recommends approval of this application.

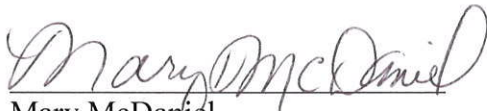
Discussion/Action Taken:

Chris Harrington and Attorney, Hank Hildebrand, were in attendance. Director Bell reviewed the matter to the Commission and recommended approval of both transactions.

Commissioner Jones made a motion to approve both transactions, Commissioner Kaegi (Acting Chairperson) seconded the motion and it passed with 2 ayes.

UPDATE: The changes in ownerships have been updated and recorded.

5. **DISTILLERY** - There were not any Distillery matters to be heard by the Commission.
6. **PRIVATE CLUB** – There were not any Private Club matters to be heard by the Commission.
7. **BUDGET** - There were not any Budget matters to be heard by the Commission.
8. **PENDING MATTERS LIST** – Audit Committee to be held in August.
9. **PERSONNEL** – There were not any Personnel matters to be heard by the Commission.
10. **MISCELLANEOUS** – There were not any Miscellaneous matters to be heard by the commission.
11. **DATE OF NEXT MEETING:** The date of the next commission meeting is set for Tuesday, August 27, 2013 at 1:30 p.m., the deadline for submitting commission matters is Friday, August 16, 2013. The September commission meeting will be held Tuesday, September 24, 2013 at 1:30 p.m., the deadline for submitting commission matters is Friday, September 13, 2013. The October commission meeting will be held Tuesday, October 22, 2013 at 1:30 p.m., the deadline for submitting commission matters is Friday, October 11, 2013.


Mary McDaniel
Chairperson


E. Keith Bell
Executive Director