

**TENNESSEE ALCOHOLIC BEVERAGE COMMISSION**

**Agenda  
November 19, 2009  
1:30 p.m.**

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**1. Approval of Minutes for October 22, 2009 Commission Meeting**

**2. RETAIL**

**A. MULLIGAN'S WINE & SPIRITS  
CLARKSVILLE, TENNESSEE (MONTGOMERY COUNTY)**

**Applicant: Mulligan's Wine & Spirits, LLC**

**Member: Todd Morris**

Before the Commission is a request for a transfer of location from 2273 Wilma Rudolph Boulevard, in Clarksville, Tennessee to 2255 Wilma Rudolph Boulevard. The licensee, LLC will be leasing the new property from Morris Properties at \$11,000/month for a period of five years. All documentation has been submitted with the exception of the following:

- a. Deed to Morris Properties;
- b. Use and Occupancy permit;
- c. TABC Inspection;
- d. Written reason for re-location.

**B. THE LIQUOR CABINET  
GAINESBORO, TENNESSEE (JACKSON COUNTY)**

**Applicant: Jeannie Lee**

Before the Commission is a request for a new retail store to be located at 275 Cobb Hollow Road, in Gainesboro, Tennessee. Ms. Lee intends to initially invest approximately \$50,000 to operate the business. Financing is based upon existing personal funds. Ms. Lee owns the property where the business will be located. All documentation has been submitted with the exception of the following:

- a. TABC Inspection;
- b. Acknowledgement of the rules/regulations;
- c. Use and Occupancy permit.

**C. WASHINGTON STREET WINE AND LIQUOR  
RIPLEY, TENNESSEE (LAUDERDALE COUNTY)**

**Licensee/Seller:** Washington Street Wine and Liquor, LLC  
**Members:** Phillip P. Webb, Sr. and Phillip P. Webb, Jr.  
**Applicant/Buyer:** Washington Street Wine & Liquor, Inc.  
**Stockholders:** Ramesh Patel

Before the Commission is a request for a transfer of ownership of the retail store located at 282 Washington Street, in Ripley, Tennessee. Mr. Patel intends to initially \$120,000, of which \$90,000 is the purchase price. Financing is based upon existing personal funds. The corporate applicant is leasing the property from Sejal Patel for a period of two years at \$600/month. All documentation has been submitted with the exception of the following:

- a) TABC Inspection;
- b) Acknowledgement of the rules/regulations;
- c) Relationship between Sejal Patel and Ramesh Patel.

**D. SOUTH END LIQUORS  
ATOKA, TENNESSEE (TIPTON COUNTY)**

**Licensee/Seller:** Christopher Joyner  
**Applicant/Buyer:** Daniel Pickard

Before the Commission are two requests: 1) Request for a transfer of ownership of the retail store located at 15888 Highway 51 South in Atoka, Tennessee; and 2) Request for a transfer of location. Mr. Pickard wishes to initially invest approximately \$150,000, of which \$25,000 is for good will and the remaining balance for existing inventory. Financing is based upon a line of credit with Patriot Bank. If approved, Mr. Pickard wishes to transfer location from 15888 Highway 51 South to 16366, Suite B, Highway 51, South in Atoka. Mr. Pickard and Alysia Pickard own this property. All documentation has been submitted with the exception of the following:

- a. TABC Inspection;
- b. Acknowledgement of the rules/regulations;
- c. Bill of Sale;
- d. Lease from Alysia and Daniel Pickard to Daniel Pickard;
- e. Line of credit document.

**E. SAM RIDLEY WINE AND SPIRITS  
SMYRNA, TENNESSEE (RUTHERFORD COUNTY)**

**Applicant: Sam Ridley Wine and Spirits, Inc.**  
**Stockholder: D. Lee Nettles**

Before the Commission is a request for a new retail store to be located at 611 President Place in Smyrna, Tennessee. Mr. Nettles intends to initially invest \$2,000,000 for the purchase of the property and to operate the business. Financing is based upon a loan with Cap Star Bank. Mr. Nettles is leasing the property to the corporate applicant for a period of three years at \$11,000/month. All documentation has been submitted with the exception of the following:

- a. TABC Inspection;
- b. Acknowledgement of the rules/regulations;
- c. Use and Occupancy permit;
- d. Loan agreement with Cap Star Bank.

**F. BUCCANEERS IMPORTED WINE AND SPIRITS  
PORTLAND, TENNESSEE (SUMNER COUNTY)**

**Applicant: BCAL, Inc.**  
**Stockholder: Howard Austin**

Before the Commission is a request for a new retail store to be located at 6074 Highway 31 West North in Portland, Tennessee. If approved, Mr. Austin will invest approximately \$300,000 to operate the store. Financing is based upon a small business (SBA) loan. The corporate applicant is leasing the property from Constance DeCarl for a period of five years at \$3000/month. All documentation has been submitted with the exception of the following:

- a. Copy of SBA loan.

**G. PORTLAND WINE AND SPIRITS  
PORTLAND, TENNESSEE (SUMNER COUNTY)**

**Applicant: Angela Robertson**

Before the Commission is a request for a new retail store to be located at 144 Knight Street in Portland, Tennessee. If approved, Ms. Robertson will invest approximately \$150,000 to operate the business. Financing is based upon a loan with Clayton Bank and Trust. Edward Plunk

is a co-signer for the loan. Ms. Robertson is leasing the property from Portland Station, LLC for a period of three years with a monthly rent of \$1062/month plus CAM, taxes and insurance of approximately \$200, plus 2% of the gross sales of the business. All documentation has been submitted with the exception of the following:

- a. Use and Occupancy permit;
- b. Written acknowledgement of the landlord that the 2% rental provision constitutes an indirect interest in the retail business.

**H. NASHVILLE WINE AND SPIRITS  
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

**Licensee/Seller: David Hart**  
**Applicant/Buyer: Nashville Wine & Spirits, LLC**  
**Members: William Bryant**

Before the Commission is a request for the transfer of ownership of the store located at 4556 Harding Pike in Nashville, Tennessee. Mr. Bryant wishes to initially invest approximately \$340,000. The purchase price for the business is \$210,000, plus existing inventory. Financing is based upon a home equity loan and loans from Deborah Bryant and David White. The LLC applicant is leasing the property from BMP, LLC for a period of three years at \$5394.66/month. All documentation has been submitted with the exception of the following:

- a. Bank credit check;
- b. Resignation from ME Wine and Liquor (Costco)
- c. TABC Inspection;
- d. Acknowledgement of the rules/regulations;
- e. Loan agreements (home equity loan and loan with David White);
- f. Payment of outstanding citation of current licensee.

**I. EAST END LIQUOR SHOPPE  
KNOXVILLE, TENNESSEE (KNOX COUNTY)**

**Licensee: East End Liquor Shoppe, Inc.**  
**Stockholder: Eugene Hankins, Jr.**  
**New Stockholder: Comrie Hankins**

Before the Commission is a request for a transfer of ownership of the retail business located at 5406 Asheville Highway in Knoxville, Tennessee. Mr. Hankins was the sole stockholder of the business; however, he passed away on or about July 29, 2009. Mr. Hankins' will leaves all his assets and

property to his wife, Comrie Hankins. All documentation has been submitted with the exception of the following:

- a. Certificate of Compliance for Ms. Hankins;
- b. Newspaper Affidavit and Notice.

**J. HIGH NOTE LIQUORS  
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

**Licensee: ESH, Inc.**  
**Stockholder: Elizabeth Hobbs**  
**New Stockholder: Joseph E. Hobbs**

Before the Commission is a request for a transfer of ownership of the retail business located at 2471 B. McGavock Pike in Nashville, Tennessee. Ms. Hobbs was the sole stockholder of the business; however, she passed away on June 15, 2009. Mr. John Hobbs, as Executor of her estate, has sold her 100% of the stock to his son, Joseph E. Hobbs for \$125,000. Financing is based upon a loan from John Hobbs. The issue is that John Hobbs is the holder of the on-premise consumption license db/a John A's. Thus, the loan to Joseph Hobbs constitutes at the very least, an indirect interest in the retail business. All documentation has been submitted with the exception of the following:

- a. Newspaper Affidavit and Notice;
- b. Loan agreement with independent source.

**K. POUR BOYS LIQUOR STORE  
COWAN, TENNESSEE (FRANKLIN COUNTY)**

**Applicant: Larry George**

Before the Commission is a request for a new retail store to be located at 504 W. Cumberland Street, Suite B, in Cowan, Tennessee. Mr. George wishes to initially invest \$60,000 to operate the business, and if approved, will operate it as a sole proprietorship. Financing is based upon a loan from Select Investments, LLC (which is owned by Mr. George). Select Investments has obtained a loan from Wells and Tate Pension Fund in this same amount. Mr. George is leasing the property from Cordell and Betty Garner for a period of one year at \$400/month, with an option to extend. Mr. George has an option to purchase the property for \$105,000 for two years. All documentation has been submitted with the exception of the following:

- a. TABC Inspection;

4. **WHOLESALE MATTERS**

A. **ALEKSEY’S IMPORTS  
CHATTANOOGA, TENNESSEE (HAMILTON COUNTY)**

**Licensee/Seller:** Alexsey’s Imports Chattanooga, LLC  
**Member:** Alexei Knimenico  
**Applicant/Buyer:** Stan Reed

Before the Commission is a request to transfer membership interest of the wholesale business located at 4295 Cromwell Road, Suite 414, in Chattanooga, Tennessee. Mr. Reed wishes to purchase the 100% of the membership interest of the LLC for \$100,000, plus the cost of inventory. Financing is based upon a promissory note with the seller and a home equity loan with Suntrust Bank. All documentation has been submitted with the exception of the following:

- a. Exhibit A to Bill of Sale (promissory note);
- b. Lease and deed to property;
- c. Charter of LLC;
- d. Membership ownership list;
- e. Surrender of non-resident seller’s permit.

5. **BUDGET**

6. **CONSENT ORDERS**

7. **PENDING MATTERS LIST**

8. **MISCELLANEOUS**

A. **Definition of Restaurant/Food Audits:** TABC staff is requesting direction of the Commission in determining how to consider certain sources of income of restaurant licensed premises for the purpose of food audits. Specifically, the TABC staff provides every restaurant licensee a memorandum explaining how the TABC interprets the definition of a “restaurant” licensee found at T.C.A. §57-4-102(27)(a). A copy of this memorandum has been included in the agenda materials.

When TABC staff conducts a food service investigation on an establishment to determine the principle business of that establishment, one of the factors considered is the percentage of sales from various sources of revenue. These sources of revenue include the following: food, alcohol sales; concessions; door, etc. Issue: How should the staff treat low alcoholic beer for the purposes of a

food audit? Should beer sales be included as part of alcohol and wine sales, or should that be considered as a separate and distinct source of income? It should be noted that, by statutory definition, beer containing less than 5% alcoholic content by weight is not considered to be an alcoholic beverage.

**B. Summary of the Joint Alcohol Study Committee Meeting Conducted on October 28, 2009**

**C. Request by Server Trainer Brad Green to discuss the prohibition of someone other than the applicant submitting and obtaining server permits**

**D. Monthly Summary of TABC Activity**

**8. DATE OF NEXT MEETING**