



TENNESSEE ALCOHOLIC BEVERAGE COMMISSION
MINUTES
THURSDAY, FEBRUARY 28, 2019
10:00 a.m.

The meeting was held on February 28, 2019, in Nashville, Tennessee. Chairman Skiles, Commissioner Roberts, and Commissioner Jones were present. The following staff members were in attendance: Director Russell Thomas, Commission Counsel Stepp, Commission Counsel Hollingshead-Cook, CLEO Tubbs, Nancy Townsend, Christopher Dowell, Aaron Rummage, and Scott Wolfe.

Pursuant to T.C.A. 58-44-108, meetings may be conducted permitting participation of electronic or other means of communication.

1. REVIEW/APPROVAL OF THE JANUARY 31, 2019, COMMISSION MEETING MINUTES

Discussion/Action Taken: Commissioner Jones moved for acceptance of the minutes as presented and the motion was seconded. The motion passed with three ayes.

2. RETAIL MATTERS

**1. NICK'S LIQUOR
HARTSVILLE, TENNESSEE (TROUSDALE COUNTY)**

Applicant: Hemil, LLC (Nick Patel, 100%)

Current: Dawn Jellison d/b/a Southern Spirits & More¹ – 784 E. McMurry Blvd.,
Hartsville, TN 37074

Proposed: Hemil, LLC d/b/a Nick's Liquors – 109 West McMurry Blvd., Hartsville,
TN 37074

Before the Commission is a request for approval of a retail package store licensee to be located at 109 West McMurry Blvd. Hartsville, TN 37074. The applicant is acquiring the existing package store operating at 784 E. McMurry Blvd., Hartsville, TN 37074² but the applicant will operate at 109 West McMurry Blvd., Hartsville, TN. The TABC staff recommends conditional approval of the request subject to the following:

- a. certificate of occupancy
- b. TABC inspection which includes an acknowledgment of rules & regulations

¹ RTLRS-TRO-1815383

² In accordance with Tennessee law, sellers are to transfer title and possession of the liquor inventory to the applicant via TABC licensed wholesalers' involvement.



c. license fee

Discussion/Action Taken: Director Thomas summarized the request and recommended conditional approval subject to the certificate of occupancy, inspection, and license fee. Commissioner Roberts moved approval subject to receipt of missing items and the motion was seconded. The motion passed with three ayes.

**2. LAST CHANCE LIQUORS
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: R.P.P. Enterprises, Inc.

Shareholders:	<u>Before</u>	<u>After</u>
	Pankaj V. Patel, 98%	Pankaj V. Patel, 100%
	Raj Mehta, 1%	
	P.J. Patel, 1%	

Before the Commission is a request for approval of a change in shareholders in R.P.P. Enterprises, Inc., the retail package store licensee doing business at 837 N. Dickerson Pike, Nashville, TN 37207. During renewal review it was discovered that the changes occurred in 2003 but were not reported to the commission; a citation was issued and paid as a result of the changes without approval. The TABC staff recommends approval of the request.

Discussion/Action Taken: Director Thomas summarized the request and recommended approval. Commissioner Roberts moved for approval of the request and the motion was seconded. The motion passed with three ayes.

**3. ALLENDALE PACKAGE STORE
KINGSPORT, TENNESSEE (HAWKINS COUNTY)**

Applicant: PPP Properties LLC (Bobbie Phillips, 100%)

The retail package store³ located at 4528 W. Stone Drive, Suite 3, Kingsport, TN is requesting approval to expand its premises. The applicant is constructing an addition (approximately 12' x 24') to the existing building. The TABC staff recommends conditional approval of the request subject to the following:

³ RTLRPS-HAW-1812046



- a. ~~certificate of occupancy~~ (received prior to meeting)
- b. TABC inspection

Discussion/Action Taken: Director Thomas summarized the request and recommended conditional approval subject to receipt of the inspection. Director Thomas noted the certificate of occupancy had been received. Commissioner Jones moved approval subject to receipt of the certificate of occupancy and the motion was seconded. The motion for conditional approval passed with three ayes.

4. WENDELL SMITH LIQUORS NASHVILLE, TENNESSEE (DAVIDSON COUNTY)

Applicant: WSL Corporation
Shareholder(s): Linda Clarke (70%) and Jakie Clark (30%)

Current: Wendell Smith's Liquors Inc. d/b/a Wendell Smith's Liquors⁴
Proposed: WSL Corporation d/b/a Wendell Smith Liquors

Before the commission is a request for approval of a retail package store licensee to be locate at 5300 Charlotte Ave., Nashville, TN 37209. The applicant is acquiring the store from the current licensee⁵ and will lease the premises from Jakie D. Cook. The TABC staff recommends conditional approval of the request subject to the following:

- a. license fee

Discussion/Action Taken: Director Thomas summarized the request and recommended conditional approval of the request subject to the license fee. Commissioner Roberts moved for conditional approval subject to receipt of the license fee and the motion was seconded. The motion passed with three ayes.

5. UPTOWN LIQUOR AND SMOKE NASHVILLE, TENNESSEE (DAVIDSON COUNTY)

Applicant: Uptown Liquor and Smoke, LLC
Members: Vikram Singh (70%) and Nirav Patel (30%)

⁴ License no. 0062

⁵ In accordance with Tennessee law, sellers are to transfer title and possession of the liquor inventory to the applicant via TABC licensed wholesalers' involvement.



Current: L&B Consolidations, LLC (Phillip Beene) d/b/a Skyline Wine & Spirits⁶
Proposed: Uptown Liquor and Smoke, LLC d/b/a Uptown Liquor and Smoke

Before the Commission is a request for approval of a retail package store licensee to be located at 3006 Dickerson Pike, Nashville, TN 37207. The applicant is acquiring the existing package store at this location⁷ and will lease the premises from SPAB Management, LLC. The TABC staff recommends conditional approval of the requests subject to the following:

- a. executed lease
- b. license fee

Discussion/Action Taken: Director Thomas summarized the request and recommended conditional approval of the request subject to an executed lease and license fee. Commissioner Jones moved approval subject to receipt of those items as stated and the motion was seconded. The motion passed with three ayes.

6. MC'S WINE & LIQUOR KNOXVILLE, TENNESSEE (KNOX COUNTY)

Applicant: MC's Strawplains LLC
Members: Dharmendra Patel, 50%
Rajesh Tailor, 50%

Current: MC of Knoxville Inc. d/b/a MC's Package Store⁸
Proposed: MC's Strawplains, LLC d/b/a MC's Wine & Liquor

Before the Commission is a request for approval of a retail package store licensee to be located at 7500 Strawberry Plain Pike, Knoxville, TN 37924. The applicant is acquiring the existing store at this location from the current licensee⁹ and will lease the premises from DPT Partnership. The TABC staff recommends conditional approval of the license subject to the following:

- a. deed after closing
- b. license fee

⁶ RTLRRS-DAV-1830131

⁷ In accordance with Tennessee law, sellers are to transfer title and possession of the liquor inventory to the applicant via TABC licensed wholesalers' involvement.

⁸ RTLRRS-KNO-1821081

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



1. CHEROKEE DISTRIBUTING COMPANY INC.

License: WLRWLS-COF-1832041; 400 S. Anderson St., Tullahoma, TN 37388
 License: WLRWLS-KNO-1830898; 200 Miller Main Circle, Knoxville, TN 37919
 License: WLRWLS-HAM-1830897; 1305 Broad St., Chattanooga, TN 37402

Before the Commission is a request for approval of a change in ownership in Cherokee Distributing Company Inc., a holder of three licenses. The changes include redemption of all voting and non-voting shares held by Mary Ellen Brewington and the purchase of the shares held by The Mary Ellen Brewington Family Trust by certain shareholders in the licensee. There are no new owners involved in the change. The TABC staff recommends approval of the changes in each of the three licenses.

<u>Ownership</u>	<u>Before (%) Overall Interest</u>	<u>After (%) Overall Interest</u>
George B. Sampson	20.953	29.8
Mary Ellen Brewington	29.602	-----
The George B. Sampson Family Trust	12.38	17.6
The Mary Ellen Brewington Family Trust	3.732	-----
Trust U/W Nell L. Sampson FBO Nell Leigh Brewington	4.167	5.9
Trust U/W Nell L. Sampson FBO Nicholas Sampson Brewington	4.167	5.9
Trust U/W Nell L. Sampson FBO Steven Michael Brewington	4.167	5.9
Trust U/W Nell L. Sampson FBO George B. Sampson, Jr.	4.167	7
Trust U/W Nell L. Sampson FBO James Michael Sampson	4.167	7
Trust U/W Nell L. Sampson FBO Lauren Brooks Sampson	4.167	7
Trust U/W Nell L. Sampson FBO Kristen Margaret Sampson	4.167	7
Trust U/W Nell L. Sampson FBO Steven Mitchell Sampson	4.167	7

Discussion/Action Taken: Director Thomas summarized the request and recommended approval of the changes in each of the three licenses. The applicant’s attorney was in attendance. Commissioner Roberts moved for approval of the changes in the three licenses possessed by Cherokee Distributing Company and the motion was seconded. The motion passed with three ayes.

**2. CENTRAL DISTRIBUTORS, INC.
JACKSON, TENNESSEE (MADISON COUNTY)**

Applicant: Central Distributors, Inc.
 Shareholder(s): McWherter Holdings, Inc., 100%



Ownership of McWherter Holdings Inc.

Michael R. McWherter, 30%

Mary Jane McWherter, 30%

Ned R. McWherter GST Exempt TUA FBO Walker Ray McWherter¹⁰, 19%

Ned R. McWherter GST Exempt TUA FBO Mary Bess McWherter¹¹, 19%

Ned R. McWherter Trust FBO Michael R. McWherter¹², 2%

The wholesale licensee located at 1876 Lager Lane, Jackson, TN 38301 is requesting approval of the current ownership of McWherter Holdings, Inc., the 100% owner of Central Distributor's Inc., the licensed entity. Previously, McWherter Holdings Inc. held 80% of the shares in Central Distributors Inc.¹³, but is now the 100% owner Central Distributors Inc. and additional changes in McWherter Holdings Inc. have occurred. The TABC staff recommends approval of the request.

Discussion/Action Taken: Director Thomas summarized the request and recommended approval of the changes. Commissioner Jones moved for approval and the motion was seconded. The motion passed with three ayes.

**3. ALE PROJECT SERVICES INC.
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: Ale Project Services Inc.

Shareholder(s): Emery Dobyns (50%) & Andra Eggleston (50%)

Before the commission is a request for approval of a new wholesaler to be located at 2437 Eastland Avenue, Nashville, TN 37206. The licensed premises will be a garage attached to the main residence owned by Emery Dobyns and Andra Eggleston. The TABC staff recommends conditional approval of the request subject to receipt of the following:

- a. license fee

Discussion/Action Taken: Director Thomas summarized the request and noted the premises would be in a garage attached to a residence and recommended conditional approval. A discussion was held. As part of the discussion, Commission Counsel Stepp responded to questions from the Commission and made

¹⁰ Michael R. McWherter is the trustee.

¹¹ Michael R. McWherter is the trustee.

¹² Michael R. McWherter is the trustee.

¹³ Previous Ownership of Central Distributors Inc.: Volunteer Distributing Inc. (15%), Russel Clarkson (5%), and McWherter Holdings, Inc. (80%).



comments regarding his communication with Metro Legal, the right of inspection, the city business license, and TTB permit for this location. Mr. Stepp noted the applicant has a city business license and TTB permit for this address. In response to a question from the Commission regarding potential issue should this pattern become more common, Mr. Stepp spoke on the right of inspection and Mr. Stepp noted the applicant provided written confirmation that there was a right to inspect the garage. Additional discussion was held. Commissioner Roberts commented that if this became a regular pattern then it would be worth bringing to the commission to consider the long term effects. Comments from the audience were made, including comments from a representative of Mothers Against Drunk Driving who inquired about the security of the location and distance from schools. Emery Dobyns was present and addressed questions from the Commission including questions regarding the structure and location of the business. After the discussion, Commissioner Jones moved for approval of the application and the motion was seconded. The motion passed with three ayes.

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

Applicant: Knoxville Beverage Co. Inc.

The wholesaler doing business at 1335 E. Wesigarber Rd., Knoxville, TN 37909 is requesting approval of a change in ownership. Eagle Holdings Inc., the parent company of Knoxville Beverage is merging into Knoxville Beverage Co. Inc., the surviving entity. Additionally, Triple "C" Distributing Company, Inc., a TABC wholesale licensee¹⁴, will be merged into Knoxville Beverage Co. Inc., which will be the surviving entity. After the merger the ownership of Knoxville Beverage Co. Inc. will be as follows:

- Raymond D. Hand, 0.0031%
- The Joseph Bruce Irrevocable Trust¹⁵, 33.33%
- The QSST Trust FBO Kimberly Virginia Hand (Lightholder)¹⁶, 18.2%
- The QSST Trust FBO Elizabeth Turner Hand Craig¹⁷, 18.2%
- Kimberly V. Hand Lightholder, 15.12%
- Elizabeth Hand Craig, 15.12%

¹⁴ Triple "C" Distributing Company, Inc. is a wholesaler (WLRWLS-KNO-1900264) operating at 6600 Deane Hill, Dr., Knoxville, TN 37919.

¹⁵ The Joseph Bruce Irrevocable Trust dated April 2, 2012 (Trustee, Raymond Hand)

¹⁶ The QSST Trust FBO Kimberly Virginia Hand dated December 31, 1992 (Trustee, Lucy Hand)

¹⁷ The QSST Trust FBO Elizabeth Turner Hand Craig dated December 31, 1992 (Trustee, Lucy Hand)



The TABC staff recommends approval of the changes.

Discussion/Action Taken: Director Thomas summarized the request and recommended approval. Will Cheek was present on behalf of the applicant. Commissioner Roberts moved for approval and the motion was seconded. The motion passed with three ayes.

**5. VINTAGE PURSUITS, LLC
FRANKLIN, TENNESSEE (WILLIAMSON COUNTY)**

Applicant: Vintage Pursuits, LLC

Member(s): Before: Timothy Brinkmann (50%) & Ann Brinkmann (50%)
After: West Bound Wines, LLC, 100% (First Miracle Holdings, LLC,
100%) (Henri Gabriel, 100%)

D/b/a name before sale: Tennessee Fine Wine & Spirits Distribution

D/b/a name after sale: Advintage Distributing of Tennessee

Before the Commission is a request for approval of a change in ownership in the wholesaler doing business at 305 Seaboard Lane, Suite 322, Franklin, TN 37067. West Bound Wines, LLC will become the 100% owner of the licensee, Vintage Pursuits, LLC. West Bound Wines, LLC is owned 100% by First Miracle Holdings, LLC, which is in turn owned by Henri Gabriel, 100%. After the sale, the d/b/a name will be changed to Advintage Distributing of Tennessee. The TABC staff recommends (1) approval of the ownership change and (2) approval of the d/b/a name change.

Discussion/Action Taken: Director Thomas summarized the request and recommended approval of the ownership change and approval of the d/b/a name change. Attorney Hank Hildebrand was present on behalf of the acquiring entity. Commissioner Roberts moved for approval and the motion was seconded. The motion passed with three ayes.

**6. LINDA'S GOURMET TREATS
JOELTON, TENNESSEE (DAVIDSON COUNTY)**

Applicant: Linda's Gourmet Treats LLC

Member: Linda Polk, 100%



Before the Commission is a request for approval of a wholesale licensee to be located at 8109 Lain Hollow Rd., Joelton, TN 37080. The licensed premises will be part of an unattached garage on her residential property. The TABC staff recommends conditional approval of the request subject to the following:

- a. inspection which includes an acknowledgment of TABC rules & regulations
- b. license fee

Discussion/Action Taken: Director Thomas summarized the request and noted the premises will be in an unattached garage on applicant's residential property and Director Thomas noted the applicant intends to distribute alcoholic frozen treats. Commission Counsel Stepp spoke on alcoholic ice cream, a 2014 TABC Director's Memo on alcoholic ice cream, the jurisdiction of the TABC, and where the products can be sold. A discussion was held and Mr. Stepp responded to questions from the Commission. An audience member representing Mothers Against Drunk Driving inquired about the security of the premises, proximity to schools, and the marketing and packaging of the product.

A discussion was held regarding marketing and advertising of the product and as part of the discussion Commission Counsel Stepp made comments on COLA approval under federal regulations and noted there are not any state statutes or rules on this issue. Additional discussion was held. A comment was made from the audience regarding the current availability of these products in package stores. The applicant was not present at the meeting. Commission Counsel Stepp noted the location was not ready for inspection. Because of the unusual circumstances of the application the commission determined the matter should be deferred. Commissioner Jones moved the application be deferred until the March meeting and the motion was seconded. The motion to defer the matter passed with three ayes.

4. SATELLITE FACILITY MATTERS

GATLINBURG WINE CELLAR GATLINBURG, TENNESSEE (SEVIER COUNTY)

Applicant: Martha's Vineyard Winery, LLC
Members: Martha Hays (50%) and William Hays (50%)

Before the Commission is a request for approval of a satellite facility licensee to be located at 531 Parkway, Gatlinburg, TN 37738. The licensed winery is located at



702 Parkway, Suite 2, Gatlinburg, TN 37738.¹⁸ The applicant will lease the premises of the satellite location from Majur Properties, LLC. The TABC staff recommends conditional approval of the license subject to the following:

- a. certificate of occupancy
- b. inspection which includes an acknowledgment of TABC rules & regulations
- c. license fee

Discussion/Action Taken: Director Thomas summarized the request and recommended conditional approval of the request subject to the certificate of occupancy, inspection which includes an acknowledgment of TABC rules and regulations, and license fee. Commissioner Jones moved approval subject to receipt of any missing items and the motion was seconded. The motion passed with three ayes.

5. MISCELLANEOUS

- RLPS Update

Discussion/Action Taken: Director Thomas updated the Commission on applications processed in RLPS and the number of licenses processed in RLPS.

6. NEXT MEETING – Thursday, March 28, 2019, at 10:00 AM CST

7. UPCOMING MEETINGS

- Thursday, March 28, 2019, at 10:00 AM CST
- Tuesday, April 23, 2019, at 10:00 AM CST
- May (TBD)

Discussion/Action Taken: The April meeting was confirmed for Tuesday, April 23, 2019, at 10:00 AM CST.

The meeting adjourned.

¹⁸ SUPWIN-SEV-1820540



**APPROVED FOR ENTRY UPON THE MINUTE BOOKS OF THE TENNESSEE ALCOHOLIC BEVERAGE
COMMISSION THIS THE 28th DAY OF MARCH 2019.**

John L. Jones

Commissioner

Arnold F. Shaw

Executive Director