

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

MINUTES
April 23, 2013
1:30 pm

The regular meeting of the Tennessee Alcoholic Beverage Commission was held on Tuesday, April 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 Acting Chair and Commissioner Bryan Kaegi; therefore the meeting was conducted. Interim Director Keith Bell, Attorney Ginna Winfree, CLEO Mark Hutchens were present.

1. **The Minutes for March 26, 2013 Commission Meeting were approved.**

2. **RETAIL**

A. **NEW BUSINESS**

1. **STONE COLD LIQUOR
WINFIELD, TENNESSEE (SCOTT COUNTY)**

Applicant: Stone Cold Liquor
Owner(s): Bradley Anderson

Before the Commission is a request for a new retail store located at 24051 Scott Highway, Winfield, Tennessee. Bradley Anderson, owner will be investing an adequate sum of monies to operate the store based on a business loan obtained through First National Bank of Oneida and personal funds as verified by the TABC staff. Mr. Anderson owns the property where Stone Cold Liquor will be located. All documentation and agency requirements have been submitted with the exception of the following:

- a. Certificate of Occupancy - **received**
- b. \$850.00 License Fee - **received**

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

Discussion/Action Taken:

Commissioner Kaegi made a motion to approve. Acting Chair, Commissioner Jones seconded the motion and it passed with 2 ayes.

**2. FIVE STAR LIQUOR & WINE
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Applicant: Five Star Liquor & Wine
Owner(s): Benyam T. Kassaye

Before the Commission is a request for a new retail store located at 2821 N. Houston Levee, Suite 105, Memphis, Tennessee. Benyam Kassaye will be investing an adequate sum of monies to operate the store based on personal loans as verified by the TABC staff. Mr. Kassaye will be leasing the property from Houston Levee Investments, LLC for a term of 60 months beginning 11/1/12 and ending 10/30/17 at rate of \$1200.00/month for months 1-6, \$2400.00/mo for months 7-24, \$2550.00/mo for months 25-48 and \$2700.00/mo for months 49-60. All documentation and agency requirements have been submitted with the exception of the **\$850.00 License Fee**. The TABC staff recommends approval of this application upon receipt of license fee.

- a. \$850 License Fee - **received**

Discussion/Action Taken:

Commissioner Kaegi made a motion to approve. Acting Chair, Commissioner Jones seconded the motion and it passed with 2 ayes.

**3. BOOTLEGGERS LIQUORS
WOODBURY, TENNESSEE (CANNON COUNTY)**

Applicant: Bootleggers Liquors
Owner(s): Thomas R. Mears, Jr.

Before the Commission is a request for a new retail store located at 940 South McCrary Street, Woodbury, Tennessee. Mr. Mears will be investing an adequate sum of monies to operate the store based on a loan from First National Bank and a line of credit at Regions Bank as verified by the TABC staff. Mr. Mears will be leasing the property from Beverly Lassiter and/or Michael Freeze (Owners) for a 1 year term at \$1000.00/mo. The lease will automatically renew yearly at the same monthly rental rate unless Mr. Mears submits written notice 30 days prior to the expiration of his intent not to renew. All documentation has been provided with the exception of the following:

- a. Verification of Financials – TABC Agent - **complete**
- b. Inspection – TABC Agent – **complete**

c. Acknowledgment of TABC Rules & Reqs - **received**

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

Discussion/Action Taken:

Mr. Thomas R. Mears, Jr. was in attendance. Commissioner Kaegi made a motion to approve. Acting Chair, Commissioner Jones seconded the motion and it passed with 2 ayes.

**4. THE WINE SHOP
CHATTANOOGA, TENNESSEE (HAMILTON COUNTY)**

Applicant: Southside Wine Shop, LLC
d/b/a The Wine Shop
Member(s): Gavin Thomas
R. Eric Cummings

Before the Commission is a request for a new retail store located at 1515 Long Street, in Chattanooga, Tennessee. Mr. Thomas and Mr. Cummings will each be investing an adequate sum of monies to operate the store based on a promissory note between Southside Wine Shop, LLC and Enzos Market, LLC as verified by TABC agents. Southside Wine Shop, LLC will be leasing the property from Enzos Market, LLC for a term of 5 years at a rental rate of \$4,500.00/mo. All documentation has been provided with the exception of the **\$850 license fee**. The TABC staff recommends approval of this application upon receipt of the license fee.

a. \$850 License Fee - **received**

Discussion/Action Taken:

Commissioner Kaegi made a motion to approve. Acting Chair, Commissioner Jones seconded the motion and it passed with 2 ayes.

**5. LIQUOR WORLD
COOKEVILLE, TENNESSEE (PUTNAM COUNTY)**

Applicant: Nandlal, LLC
d/b/a Liquor World
Member(s): Dishant Patel
Rita Patel
Bharti Patel

**Proposed Member(s) Dishant Patel
Rita Patl**

Before the Commission is a request for transfer in ownership of the retail store located at 837 W. Jackson Street, Cookeville, Tennessee. Bharti Patel is selling his 20% interest of Nandlal, LLC to Dishant Patel (10%) and Rita Patel (10%). The total purchase price of Bharti Patel's 20% interest in Nandlal, LLC is \$111,000.00. Dishant Patel and Rita Patel will each be paying \$55,000.00. After this sale, Dishant Patel will own 60% of the LLC and Rita Patel will own 40% of the LLC. Nandlal, LLC currently leases the property from Caps Enterprises at a rental rate of \$5,000.00/mo with an increase of \$180 per month after the first year. The current term of the lease is for 15 years with an option to renew for another 15 year term at the same monthly rental rate of \$5,180.00. All documentation has been provided pertaining to the transfer of ownership. A citation will be issued for transferring ownership without prior approval of the TABC Commission.

- Concerns: This licensee is up for renewal on April 24, 2013. As of today, Nandlal, LLC, has outstanding tax liabilities with the Tennessee Department of Revenue preventing the TABC staff from renewing this license.

Tax Liabilities - **Taxes are now current**

The TABC staff recommends approval of this application upon verification from the TN Department of Revenue that all tax liabilities are current and the TABC has received payment for the citation.

Discussion/Action Taken:

Mr. Dishant Patel was in attendance. Commissioner Kaegi made a motion to approve. Acting Chair, Commissioner Jones seconded the motion and it passed with 2 ayes.

**6. CORNER LIQUORS, INC
GREENBRIER, TENNESSEE (ROBERTSON COUNTY)**

Applicant: Corner Liquors, Inc.
Stockholder(s): Anthony Wade Garrison

Before the Commission is a request for a new retail store located at 2563 Hwy 41, South, Greenbrier, Tennessee.

Mr. Garrison will be investing an adequate sum of monies to operate the store based on personal funds at F&M Bank. Anthony

Garrison owns the property where the store will be located and will be leasing the property to Corner Liquors, Inc. for a term of 1 year at a rental rate of \$2,500.00/mo. All documentation has been provided with the exception of the following:

- b. Verification of Financial BG – TABC Agent - **complete**
- c. Inspection – TABC Agent - **complete**
- d. Acknowledgment of TABC rules & reqs - **received**
- e. \$850 License Fee - **received**

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

Discussion/Action Taken:

Mr. Anthony Wade Garrison was in attendance. Commissioner Kaegi made a motion to approve. Acting Chair, Commissioner Jones seconded the motion and it passed with 2 ayes.

**7. ECONOMY LIQUORS
SHELBYVILLE, TENNESSEE (BEDORD COUNTY)**

Applicant: Shree Sava, Inc.
d/b/a Economy Liquors
Stockholder(s): Virendra Patel
Sharmistha A. Patel

Before the Commission is a request for a transfer of ownership of Economy Liquors located at 907 Madison Street, Shelbyville, Tennessee. Virendra Patel and Sharmistha Patel are purchasing Economy Liquors from Natwarlal Patel and Nalini Patel. Shree Sava, Inc. (Virendra Patel and Sharmistha Patel) is purchasing the store for an adequate sum of monies based on a loan from Southern Community Bank as verified by TABC staff. All documentation has been provided with the exception of the \$850.00 License Fee. The TABC staff recommends approval of this application upon receipt of the license fee ~~and missing documentation.~~

Discussion/Action Taken:

Correction to the language, removed “and missing documentation” all required documentation was submitted. Commissioner Kaegi made a motion to approve. Acting Chair,

Commissioner Jones seconded the motion and it passed with 2 ayes.

8. DISCOUNT LIQUORS AND WINES

KINGSTON SPRINGS, TENNESSEE (CHEATHAM COUNTY)

Applicant: Collins Liquors, LLC
d/b/a Discount Liquors and Wines

Members(s): Christopher Collins

Before the Commission is a request for a transfer of ownership of Discount Liquors and Wines located at 123 Luyben Hills Road, Kingston Springs, Tennessee. Wayne Collins is selling Discount Liquors and Wines to Christopher Collins. Christopher is purchasing the store for an adequate sum of monies based on personal funds as verified by TABC staff. All documentation has been provided with the exception of the following:

- a. Verification of Financials – TABC Agent - **complete**
- b. Inspection - **complete**
- c. Acknowledgement of TABC rules & reqs - **received**
- d. \$850.00 License Fee - **received**

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

Discussion/Action Taken:

Mr. Christopher Collins was in attendance. Commissioner Kaegi made a motion to approve. Acting Chair, Commissioner Jones seconded the motion and it passed with 2 ayes.

9. UNIVERSAL WINE AND SPIRITS

JOHNSON CITY, TENNESSEE (WASHINGTON COUNTY)

Licensee: Universal Wine and Spirits, LLC
d/b/a Universal Wine and Spirits

Stockholders: Shane Abraham
Jamie Abraham

Before the Commission is a request for a transfer of location for the retail store currently located at 1736 W. State of Franklin Road, Johnson City, Tennessee to 230 Market Place Blvd., Suite 110, Johnson City, Tennessee. Shane and Jamie Abraham are requesting to move to 230 Market Place Blvd.,

Suite 110, Johnson City, Tennessee based upon the new location will allow for more square footage allowing an increase in stock/sales areas as well as increased parking; this will also allow for better ingress and egress for patrons. Universal Wine and Spirits, LLC will be leasing the property from Pickens Bridge Village. The term of this lease is 10 years, for the first 5 years it will be for a monthly based rent of \$6,666.67/mo, for the remaining 5 years a monthly rate of \$7,333.33/mo. All documentation has been submitted with the exception of the following:

- a. Certificate of Occupancy - **received**
- b. TABC Inspection - **complete**
- c. Acknowledgment of TABC Rules & Reg - **received**

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

Discussion/Action Taken:

Acting Chair, Commissioner Jones made a motion to approve. Commissioner Kaegi seconded the motion and it passed with 2 ayes.

**10. MR. G'S GRAPE AND GRAIN FINE WINE & SPIRITS
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Licensee: Mr. G's Grape and Grain Fine Wine & Spirits
Owner(s): Kumar Yogesh

Before the Commission is a request for a transfer of ownership for the retail store located at 8057 Hwy 64 Suite 104, Memphis, Tennessee. Mr. Yogesh is purchasing the store from Jerry D. Gee for an adequate sum of monies as per the Purchase and Sale Agreement based on personal funds as verified by TABC staff. Kumar Yogesh will be leasing the property from Brixmor Wolfcreek III, LLC. The term of this lease is 36 months at a rental rate of \$7,500.00/mo. All documentation has been submitted with the exception of the **\$850.00 license fee**. The TABC staff recommends approval of this application upon receipt of the license fee.

\$850.00 License Fee – **received**

Discussion/Action Taken:

Commissioner Kaegi made a motion to approve. Acting Chair, Commissioner Jones seconded the motion and it passed with 2 ayes.

3. WINERIES

4. WHOLESALERS

5. DISTILLERY

A. NEW BUSINESS

**1. KINGS SPIRITS, INC.
MEMPHI, TENNESSEE (SHELBY COUNTY)**

**Applicant: Kings Spirits, Inc.
d/b/a Roaring Tiger Vodka**
**Stockholders: Matthew Brown
Ryan Hanson-Chairman**

Before the Commission is a request for a new distillery pursuant to T.C.A. § 57-3-202(g) to be located at 130 Cumberland, Memphis, Tennessee. Mr. Brown and Mr. Hanson-Chairman will each be investing an adequate sum of monies from their personal savings as verified by TABC staff. Kings Spirits, Inc. (“Lessee”) will be leasing the property from Bell Properties, Inc. (“Lessor”) for a term of one year and two months at a rental rate of \$1,625.00/mo. They will have the option to extend the lease for one additional year at a rate to be negotiated based on current market rentals with 60 days advance written notice to the Lessor. All documentation and agency requirements have been submitted with the exception of the following:

- a. Acknowledgement of TABC rules and reqs - **received**
- b. Waiver of right to admin hearing - **received**
- c. Verification of financials – TABC Agent - **complete**

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

Discussion/Action Taken:

Mr. Matthew Brown and Mr. Ryan Hanson-Chairman were both in attendance. Commissioner Kaegi made a motion to approve. Acting Chair, Commissioner Jones seconded the motion and it passed with 2 ayes.

6. PRIVATE CLUB

**A. NASHVILLE GOLF & ATHLETIC CLUB
1703 CROCKETT SPRINGS TRAIL
BRENTWOOD, TN 37027**

Applicant: Nashville Golf & Athletic Club
Owner(s): Madison Whittemore, President
Barbara Whittemore, Secretary

Before the Commission is a request of the Private Club, **Nashville Golf & Athletic Club**, located at 1703 Crockett Springs Trail, Brentwood, Tennessee 37027 for an **On Premise Permit** to sell alcoholic beverages pursuant to T.C.A. §57-4-102(8). ~~This organization is a non-profit association existing under the laws of the State of Tennessee for at least two (2) years prior to this application. The organization has two hundred seventy (270) residential members, which exceeds the statutory requirement of at least one hundred (100) members. The organization is operated exclusively for pleasure, recreation and other non-profit purposes of its members and no part of the net earnings inures to the benefit of any shareholder or member. The organization has adequate space for the reasonable use of its members with a suitable kitchen and dining room and with sufficient employees for cooking, preparing and serving meals for its members and guests. No member, officer, agent or employee of this Private Club is paid directly, indirectly nor do any of the aforementioned parties directly or indirectly receive in the form of salary or other compensation, any profits from the sale of spirituous liquors, champagnes or malt beverages beyond the amount of such salary as may be fixed by the members at an annual meeting or by its governing body out of the general revenue of the club. All documentation has been provided with the exception of the \$500.00 License Fee. The TABC staff recommends approval of this application upon receipt of the missing documentation and payment of the citation.~~

Discussion/Action Taken:

Mr. Will Cheek, Attorney was in attendance.

CORRECTION: The agenda referenced in the summary that this private club was a “non-profit”, this was an error, Nashville Golf & Athletic Club is a “for-profit”. It also referenced T.C.A. § 57-4-102(8). This was an error; the correct language should have read:

Pursuant to T.C.A. 57-4-102(8)(F)(i) This organization is a for-profit recreational club, organized and existing under the laws of the state of Tennessee. The organization has two hundred seventy (270) dues-paying members who pay dues of three hundred twenty five dollars (\$325) a year which exceeds the statutory requirement of at least two hundred twenty-five (225) members and dues of three hundred dollars (\$300). The private club has a clubhouse with not less than five thousand square feet (5,000 sq. ft.), golf courses containing at least eighteen (18) holes, collectively, for the use of its members and guests, and has a suitable kitchen and dining facilities. The club serves at least one (1) meal daily, five (5) days a week. No member, officer, agent or employee of this Private Club is paid directly, indirectly nor do any of the aforementioned parties directly or indirectly receive in the form of salary or other compensation, any profits from the sale of spirituous liquors, champagnes or malt beverages beyond the amount of such salary as may be fixed by the members at an annual meeting or by its governing body out of the general revenue of the club.

The agenda referenced, “missing documentation” and “payment of citation”. This was an error, all documentation was received and this organization did not have an outstanding citation.

Commissioner Kaegi made a motion to approve. Acting Chair, Commissioner Jones seconded the motion and it passed with 2 ayes.

**B. TEMPLE HILL COUNTRY CLUB
6376 TEMPLE ROAD
FRANKLIN, TN 37069**

**Applicant: Temple Hill Country Club
Owner(s): OS Golf Property Holdings Borrower, LLC
Scott Busch, Authorized Person
Scott McMullin, Authorized Person**

Before the Commission is a request for change of ownership of the Private Club, **Temple Hills Country Club**, located at 6376 Temple Road, Franklin, Tennessee 37069 for an **On Premise Permit** to sell alcoholic beverages pursuant to T.C.A. §57-4-102(8). OS Golf Property Holdings LLC purchased the private club from SPE GO Holdings, Inc. for an adequate sum of monies per the purchase agreement as verified by TABC staff. ~~This organization is a non-profit association existing under the laws of the State of Tennessee for at least two (2) years prior to this application. The organization has seven hundred (700) residential members, which exceeds the statutory requirement of at least one hundred (100) members. The organization is operated exclusively for pleasure, recreation and other non-profit purposes of its members and no part of the net earnings inures to the benefit of any shareholder or member. The organization has adequate space for the reasonable use of its members with a suitable kitchen and dining room and with sufficient employees for cooking, preparing and serving meals for its members and guests. No member, officer, agent or employee of this Private Club is paid directly, indirectly nor do any of the aforementioned parties directly or indirectly receive in the form of salary or other compensation, any profits from the sale of spirituous liquors, champagnes or malt beverages beyond the amount of such salary as may be fixed by the members at an annual meeting or by its governing body out of the general revenue of the club. All documentation has been provided with the exception of the \$500.00 License Fee. The TABC staff recommends approval of this application upon receipt of the missing documentation and payment of the citation.~~

Discussion/Action Taken:

Mr. Will Check, Attorney was in attendance.

CORRECTION: The agenda referenced in the summary that this private club was a “non-profit”, this was an error, Nashville Golf & Athletic Club is a “for-profit”. It also referenced T.C.A. § 57-4-102(8). This was an error; the correct language should have read:

Pursuant to T.C.A. 57-4-102(8)(F)(i) This organization is a for-profit recreational club, organized and existing under the laws of the state of Tennessee. The organization has seven hundred (700) dues-paying members who pay dues ranging from seven hundred fifty six dollars (\$756) to four thousand eight hundred dollars (\$4,800) a year which exceeds the statutory requirement of at least two hundred twenty-five (225) members and dues of three hundred dollars (\$300).

The private club has a clubhouse with not less than five thousand square feet (5,000 sq. ft.), golf courses containing at least eighteen (18) holes, collectively, for the use of its members and guests, and has a suitable kitchen and dining facilities. The club serves at least one (1) meal daily, five (5) days a week. No member, officer, agent or employee of this Private Club is paid directly, indirectly nor do any of the aforementioned parties directly or indirectly receive in the form of salary or other compensation, any profits from the sale of spirituous liquors, champagnes or malt beverages beyond the amount of such salary as may be fixed by the members at an annual meeting or by its governing body out of the general revenue of the club.

The agenda referenced, “missing documentation” and “payment of citation”. This was an error, all documentation was received and this organization did not have an outstanding citation.

Commissioner Kaegi made a motion to approve. Acting Chair, Commissioner Jones seconded the motion and it passed with 2 ayes.

7. BUDGET

8. PENDING MATTERS LIST

A. Commission Meeting Dates for the 2013 calendar year

9. PERSONNEL

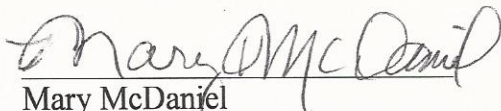
10. MISCELLANEOUS

A. Monthly Summary of TABC Activity

B. Discussion of potential Proposed Rules

11. DATE OF NEXT MEETING - The date of the next commission meeting is set for Tuesday, May 21, 2013 at 1:30 p.m., the deadline for submitting commission matters is Friday, May 10, 2013, and the June commission meeting will be held, Tuesday, June 25, 2013 at 1:30 p.m., the deadline for submitting commission matters is Friday, June 14, 2013.

APPROVED BY:


Mary McDaniel
Chairperson


E. Keith Bell
Interim Director