

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

Minutes
January 28, 2014
1:30 pm

The regular meeting of the Tennessee Alcoholic Beverage Commission was held on Tuesday, January 28, 2014 in the headquarters offices in Nashville, Tennessee at 1:30 p.m. Commission Chairperson Mary McDaniel, Commissioner John A. Jones and Commissioner Bryan Kaegi were present. Director E. Keith Bell, Assistant Director Ginna Winfree, CLEO Mark Hutchens, and Staff Attorney Joshua Stepp were present.

1. **Minutes for the December 17, 2013 Commission Meeting were approved.** Commissioner Jones motioned to approve the minutes. Commissioner Kaegi seconded the motion. Motioned passed with 3 ayes.

2. **RETAIL**

- A. **NEW BUSINESS**

1. **SBP, INC.**
D/B/A SEQUATCHIE VALLEY WINE AND SPIRITS
DUNLAP, TENNESSEE (SEQUATCHIE COUNTY)

Applicant: SBP, INC.
Shareholder: Kinjalben R. Patel (100%)

Before the Commission was a request for a transfer of ownership of a retail liquor store and the issuance of a new retail liquor store license to be located at 36-B Hickey Circle, Dunlap, Tennessee 37327.

The TABC staff recommended conditional approval of this application upon receipt of the following:

- a. Payment of \$850.00 License Fee—paid-license issued 02/06/2014-permit # 3928

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended conditional approval of the application.

Commissioner Kaegi made a motion to approve the transfer of ownership of the existing retail store and the issuance of a new retail liquor store license upon receipt of missing items.

Commissioner Jones seconded the motion and the motion passed with 3 ayes.

**2. OM FOOD, INC.
d/b/a DISCOUNT LIQUOR
MURFREESBORO, TENNESSEE (RUTHERFORD COUNTY)**

Applicant: OM FOOD, INC.
Shareholder: Chirag Keshavlal Patel (100%)

Before the Commission was a request for issuance of a new retail store licensee to be located at 2395 New Salem Highway, Murfreesboro, Tennessee 37128.

The TABC staff recommended conditional approval of this application upon receipt of the following:

- a. Certificate of Occupancy (expected within 30 days- Commission approval automatically expires if business not commenced within 90 days from date)
- b. TABC SA Final Inspection Report
- c. Acknowledgment of TABC Rules and Regulations
- d. Payment of \$850.00 licensing fee

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended conditional approval of the application.

Commissioner Kaegi made a motion to approve the issuance of a new retail liquor store license upon receipt of missing items. Commissioner Jones seconded the motion and the motion passed with 3 ayes.

**3. BOBBY JOE VASQUEZ
d/b/a CENTRAL AVENUE WINES & LIQUORS
HUMBOLDT, TENNESSEE (GIBSON COUNTY)**

Applicant: Bobby Joe Vasquez
Sole-Proprietorship

Before the Commission was a request for a transfer of ownership of a retail liquor store and the issuance of a new retail liquor store license to be located at 1003 Central Avenue, Humboldt, Tennessee 38343. Currently permit #1084 is being operated from this location with the current licensee being Mark David Vasquez, a sole proprietor and the applicant's son, d/b/a Central Avenue Wines and Liquors.

It having come to the attention of the TABC staff that the applicant, Bobby Joe Vasquez, has been operating the retail package

liquor store since November 1, 2013, without prior approval of the TABC Commission, a regulatory citation was issued.

The TABC staff recommended conditional approval of this application upon receipt of the following:

- a. Payment of civil penalty of \$1,500.00 in satisfaction of the regulatory sanction levied against applicant, Bobby Joe Vasquez.

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended conditional approval of the application.

Commissioner Jones made a motion to approve the transfer of ownership of the existing retail store and the issuance of a new retail liquor store license upon receipt of missing items, i.e. payment of civil penalty. Commissioner Kaegi seconded the motion and the motion passed with 3 ayes.

**4. WRIGHT BOYS, LLC
d/b/a THE WRIGHT SPIRITS
HARRIMAN, TENNESSEE (ROANE COUNTY)**

Applicant: Wright Boys, LLC
Members: Ernest Ruble Wright, Jr. (50%)
David Gregg Morefield (50%)

Before the Commission was a request for a transfer of ownership of a retail liquor store and the issuance of a new retail liquor store license to be located at 1741 Roane State Highway, Harriman, Tennessee 37748. Currently permit #3013 is being operated from this location with the current licensee being Sherman Burgess, a sole proprietor, d/b/a Frank's Liquors.

The TABC staff recommended conditional approval of this application upon receipt of the following:

- a. Payment of \$850.00 licensing fee--paid-licensed issued 01/31/2014-permit # 3927

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended conditional approval of the application.

Commissioner Jones made a motion to approve the transfer of ownership of the existing retail store and the issuance of a new retail liquor store license upon receipt of missing items.

Commissioner Kaegi seconded the motion and the motion passed with 3 ayes.

**5. UNICOI WINE & SPIRITS, LLC
d/b/a UNICOI WINE & SPIRITS
UNICOI, TENNESSEE (UNICOI COUNTY)**

Applicant: UNICOI WINE & SPIRITS, LLC
Member: Stacy L. Collins (100%)

Before the Commission was a request for expansion/addition to the premises of the retail store located at 100 Rocky Bottom Drive, Suite 5, Unicoi, Tennessee 37692.

The TABC staff recommended approval of this expansion/addition to the premises of the applicant.

TABC data base updated to indicate expansion-02/03/2014.

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended conditional approval of the application.

Commissioner Jones made a motion to approve the request for expansion/addition to the premises of the retail store. Commissioner Kaegi seconded the motion and the motion passed with 3 ayes.

**6. ELIXIR SPIRITS, LLC
d/b/a ELIXIR SPIRITS
SPRING HILL, TENNESSEE (MAURY COUNTY)**

Applicant: ELIXIR SPIRITS, LLC
Member: Tarak Bhailalbhai Patel (100%)

Before the Commission is a request for expansion/addition to the premises of the retail store located at 5441 Main Street, Suite 7, Spring Hill, Tennessee 37174.

The TABC staff recommended approval of this expansion/addition to the premises of the applicant.

TABC data base updated to indicate expansion-02/03/2014.

Discussion/Action Taken:

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

Commissioner Kaegi made a motion to approve the request for expansion/addition to the premises of the retail store. Commissioner Jones seconded the motion and the motion passed with 3 ayes.

**7. PALIYAD CORPORATION
d/b/a HARRY'S WINE & SPIRITS
ETOWAH, TENNESSEE (MCMINN COUNTY)**

Applicant: Paliyad Corporation

Shareholder: Harsh Dipakkumar Patel (100%)

Before the Commission is a request for a new retail store licensee to be located at 916 Tennessee Avenue (Hwy 411 N), Etowah, Tennessee 37310.

The TABC staff recommended conditional approval of this application upon receipt of the following:

- a. Payment of \$850.00 licensing fee—paid-license issued 02/06/2014-permit # 3929

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended conditional approval of the application.

Commissioner Jones made a motion to approve the issuance of a new retail liquor store license upon receipt of missing items. Commissioner Kaegi seconded the motion and the motion passed with 3 ayes.

3. WHOLESALERS

A. NEW BUSINESS

**1. STAR DISTRIBUTORS, LLC
VICTOR L. ROBILIO COMPANY, LLC
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicants: Star Distributors, LLC
Wholesale Permit No. 34

Victor L. Robilio Company, LLC
Wholesale Permit No. 22

Members(s): Current and Proposed:

Glazer's Distributors of Tennessee, Inc. (51%)
Spritzer Holding Company (47%)
David Benson, LLC (1%)
PFICO, LLC (1%)

Before the Commission is a request for approval of a merger, and associated matters, of the two (2) above noted applicants, Tennessee wholesale distributors of alcoholic beverages. "Robilio" proposes to merge with and into "Star", with "Star" being the surviving entity. The merger is to be consummated pursuant to and in accordance with the parties' Agreement and Plan of Merger previously provided, reviewed and approved by TABC staff. The merger, as discussed before the full commission at its December 17, 2013 meeting, became effective at 11:59 p.m. on December 31, 2013, ("Effective Time").

The TABC staff recommended conditional approval of this application upon receipt of the following:

- a. Payment of \$3,000.00 licensing fees.

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended conditional approval of the application.

Commissioner Jones made a motion to approve the merger and issuance of the wholesales' licensing upon receipt of missing items. Commissioner Kaegi seconded the motion and the motion passed with 3 ayes.

**2. ATHENS DISTRIBUTING CO. OF MEMPHIS
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Applicant: Athens Distributing Co. of Memphis, GP
Partner(s): **Current:** John P. Donnelly, Jr.(13.3334%)
JPD Investments, GP (14.4444%)
John H. Aaron, Sr. (18.2222%)
Donald J. White, Sr. (25%)
Gerald Fridrich Estate (25%)
John H. Aaron, Jr. (2%)
Michael E. Aaron (2%)
Proposed: John P. Donnelly, Jr.(13.3334%)
JPD Investments, GP (14.4444%)
John H. Aaron, Sr. (18.2222%)

Donald J. White, Sr. (25%)
John H. Aaron, Jr. (2%)
Michael E. Aaron (2%)
**Gerald Fridrich Estate-The
Amended and Restated Gerald
D. Fridrich, Sr. revocable Trust
Agreement (“2010 Trust”) (25%)**

Before the Commission is a request by the applicant, Athens Distributing Co. of Memphis, GP, for approval of a partial transfer of partnership interest. Mr. Gerald D. Fridrich, Athens of Memphis General Partner, passed from this life and his former 25% interest is currently held by his estate and, per his Last Will and Testament, will soon be distributed by the Probate Court into Mr. Fridrich’s 2009 Revocable Trust as amended and restated in 2010.

The TABC staff recommended approval of this application.

TABC data base updated to indicate partial transfer of ownership-02/13/2014.

Discussion/Action Taken:

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

Commissioner Kaegi made a motion to approve the partial transfer of partnership interest. Commissioner Jones seconded the motion and the motion passed with 3 ayes.

4. DISTILLERY

A. NEW BUSINESS

**1. SOUTHERN PRIDE DISTILLERY, LLC
d/b/a SOUTHERN PRIDE DISTILLERY
FAYETTEVILLE, TENNESSEE (LINCOLN COUNTY)**

Applicant: Southern Pride Distillery, LLC
Member: Randy Trentham (100%)

Before the Commission is a request for approval of a new distillery to be located at 108 Smith Mill Road, Fayetteville, Tennessee, 37334. The LLC, through its sole LLC member, Randy Trentham, the applicant was first approved for a distillery license at the commission’s September 24, 2013 meeting, but failed to commence business within 90 calendar days of commission approval and failed to make a written request for an extension of approval. Mr. Trentham has indicated that it may be

a few weeks before construction is completed including the placement of the still.

The TABC staff recommended conditional approval of this application upon receipt of the following:

- a. TABC Inspection
- b. Acknowledgement of TABC Rules and Regulations

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended conditional approval of the application.

Commissioner Jones made a motion to approve the issuance of a new manufacturer's license upon receipt of missing items. Commissioner Kaegi seconded the motion and the motion passed with 3 ayes.

**2. OLD FORGE DISTILLERY, LLC
d/b/a OLD FORGE DISTILLERY
PIGEON FORGE, TENNESSEE (SEVIER COUNTY)**

Applicant: OLD FORGE DISTILLERY, LLC
Members: Albert B. Blanton, Jr. (President – 52%)
Chris A. Blanton (Secretary–24%)
Rodney C. Faulkner (Treasurer – 24%)

Before the Commission is a request for a new distillery to be located at 170 Old Mill Avenue, Pigeon Forge, Tennessee, 37863. Applicant member, Albert B. Blanton, Jr., until recently when he assigned his interest to his wife, Mary Nelle Blanton, was a member of The Old Mill, LLC, a TABC licensed LBD restaurant, i.e., Pottery House Café & Grille, Permit No. 69017. Upon further investigation Mr. Albert B. Blanton, Jr. is a partner in the general partnership Old Mill, GP, which owns the real property upon which the LBD permit holder Pottery House Café & Grille is located. Old Mill, GP is the landlord of the LBD permit holder, Old Mill, LLC, tenant. Prior to presentation before the Commission of this application, Albert B. Blanton, Jr., divested himself of any and all membership/ownership interest in the applicant, Old Forge Distillery, LLC.

The TABC staff recommended conditional approval of this application upon receipt of the following:

- a. Payment of \$1,000.00 licensing fee—paid-licensed issued 01/31/2014-permit # 102

Discussion/Action Taken:

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

Commissioner Jones made a motion to approve the issuance of a new manufacturer's license. Commissioner Kaegi seconded the motion and the motion passed with 3 ayes.

**3. PRICHARD'S DISTILLERY, INC.
d/b/a PRICHARD'S DISTILLERY, INC. FONTANEL
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: Prichard's Distillery, Inc.

Shareholders: Philip E. Prichard (51%)
Ronald N. Petty (1.389%)
Constance Prichard (1%)
Jane Kusen (.333%)
Edward L. Rowe (.223%)
Allan H. Cusack (.111%)
James A. Murphy (.056%)
Richard C. Towre, Jr. (.056%)
140 additional entities and persons owning 1%
or less of the 1,800,000 shares of issued and
outstanding shares of stock

Before the Commission is a request for a new 1,440 sf micro distillery to be located at 4105 Whites Creek Pike, Nashville, Tennessee, 37189. This location is in addition to the applicant's location in Kelso, Tennessee.

The TABC staff recommended conditional approval of this application upon receipt of the following:

- a. TABC Inspection
- b. Acknowledgement of TABC Rules and Regulations

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended conditional approval of the application.

Commissioner Kaegi made a motion to approve the issuance of a new manufacturer's license upon receipt of missing items. Commissioner Jones seconded the motion and the motion passed with 3 ayes.

5. WINERIES

A. NEW BUSINESS

**1. GOODWATER VINEYARD, LLC
d/b/a GOODWATER VINEYARD
BYBEE, TENNESSEE (COCKE COUNTY)**

Applicant: GOODWATER VINEYARD, LLC
Member: Michael T. Hood

Before the Commission is a request for a new winery to be located at 1869 Goodwater Road, Bybee, Tennessee 37713.

The TABC staff recommended conditional approval of this application upon receipt of the following:

- a. Payment of \$150.00 licensing fee—paid-license issued 01/31/2014-permit # W-88

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended conditional approval of the application.

Commissioner Jones made a motion to approve the issuance of a new winery license upon receipt of missing items. Commissioner Kaegi seconded the motion and the motion passed with 3 ayes.

6. PRIVATE CLUBS

A. NEW BUSINESS-NONE

7. BUDGET

A. NEW BUSINESS-NONE

8. PENDING MATTERS LIST

A. Commission Meeting Dates for the 2014 calendar year

February 25, 2014

March 25, 2014

April 22, 2014

May 27, 2014

9. PERSONNEL-NONE

10. DATE OF NEXT MEETING-February 25, 2014

11. SERVER PERMIT APPEALS

1. TABC v. MOUHEB GERGES

Before the Commission is an appeal of the TABC staff denial of Mr. Gerges' request for issuance of a TABC Server permit. Mr. Gerges plead guilty to and was convicted of an Alcoholic Beverage Retail Sale w/o a License on 11/03/2010 in violation of TCA § 57-3-204.

Discussion/Action Taken:

This appeal was held before the full Commission and after careful and deliberate consideration, Commissioner Jones made a motion to approve the staff's denial of Mouheb Gerges' application for a server permit. Commissioner Kaegi seconded the motion and the motion passed unanimously with 3 ayes.

2. TABC v. MICHAEL EDWARDS

Before the Commission is an appeal of the TABC staff denial of Mr. Edwards' request for issuance of a TABC Server permit. Mr. Edwards stated on his application and supporting documents that he had been convicted of a felony offense regarding the delivery of marijuana, which is a Schedule VI drug, in 2010. Mr. Edwards stated on his application that he did not receive judicial diversion regarding the conviction. Mr. Edwards has not provided court disposition papers as requested by the application form. Mr. Edwards was denied the server permit based on T.C.A. § 57-3-704(1).

Discussion/Action Taken:

This appeal was held before the full Commission and after careful and deliberate consideration, Commissioner Jones made a motion to approve the staff's denial of Michael Edwards' application for a server permit. Commissioner Kaegi seconded the motion and the motion passed unanimously with 3 ayes.

**APPROVED FOR ENTRY UPON THE MINUTE BOOKS OF THE
TENNESSEE ALCOHOLIC BEVERAGE COMMISSION THIS THE
25th DAY OF FEBRUARY, 2014.**


Mary McDaniel
Chairperson


E. Keith Bell
Director