



TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

AGENDA

THURSDAY, APRIL 23

1:00 p.m.

The April 2020 Agenda meeting was held on March 23, 2020 at 1:00 p.m. via conference call since no state agency is allowed to have more than 10 people for gatherings. And due to the state of emergency, conference facilities (including the one used for Commission Meetings) are closed until further notice. Chairman Skiles, Commissioner Roberts, and Commissioner Tomita called in. Director Thomas also called in. TABC staff in office that attended were the following: Assistant Director Blackwell and Commission Counsel Connor. Members of the public that participated in the conference call include the following: Ryan Haynes, Jan Margaret Craig, Curtis Harrington, Erica Bell Vick, Ginna Burrell, Hank Hildebrand, Joyce McDaniel, Michelle Roselle, Danielle Elks, Dilipkumar Patel, Clay Byrd, Cabot Haggin, Joe Thomas, Rich Foge, and Joe Thomas.

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 MARCH 31, 2020, COMMISSION MEETING MINUTES

Discussion/Action Taken: Director Thomas roll called the Commissioners, with Commissioner Tomita moving to approve the minutes and the motion was seconded. The motion passed with three ayes.

2. REVIEW/APPROVAL OF THE MARCH 20, 2020, SPECIAL AGENDA MEETING MINUTES

Discussion/Action Taken: Director Thomas roll called the Commissioners, with Commissioner Roberts moving to approve the minutes and the motion was seconded. The motion passed with three ayes.



3. RETAIL MATTERS

1. **ELXR WINE AND SPIRITS CLEVELAND, TENNESSEE (BRADLEY COUNTY)**

Applicant: ELXR Wine & Spirits LLC
Shareholders: Theresa Evans (100%)

Before the Commission is a request for approval of a new retail package store licensee to be located at 640 NW Inman St., Cleveland, TN 37311. The TABC staff recommends conditional approval of the license subject to:

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

Discussion/Action Taken: Director Thomas summarized the request and recommended conditional approval subject to the inspection, certificate of occupancy, and license fee. Commissioner Tomita moved for approval subject to the inspection, certificate of occupancy, and license fee and the motion was seconded. Director Thomas roll called the Commissioners and the motion passed with three ayes.



**2. WEST MAIN WINE & SPIRITS
LEBANON, TENNESSEE (WILSON COUNTY)**

Applicant: PC7074747, Inc.
Member(s): Jayrambhai Patel (100%)

Current licensee: West Main Wines & Spirits LLC d/b/a
West Main Wines & Spirits¹
Proposed licensee: PC7074747, Inc. d/b/a West Main Wine & Spirits

Before the Commission is a request for approval of a retail package store licensee to be located at 512 W Main St., Lebanon, TN 37087. The applicant is acquiring the package store from the existing licensee owned by West Main Wines & Spirits LLC². The TABC staff recommends conditional approval of the license subject to:

- a. agent report
- b. license fee

Discussion/Action Taken: Director Thomas summarized the request and recommended conditional approval subject to the agent report and license fee. Commissioner Roberts moved for approval subject to the agent report and license fee and the motion was seconded. Director Thomas roll called the Commissioners and the motion passed with three ayes.

¹ License no. RTLPS-WLS-1805429

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.



**3. DISCOUNT PACKAGE STORE
KINGSPORT, TENNESSEE (SULLIVAN COUNTY)**

Applicant: Lingerfelt Properties LLC
Member(s): April Lingerfelt (100%)

Current licensee: Matthew Glass d/b/a Discount Package Store³
Proposed licensee: Lingerfelt Properties LLC d/b/a Discount Package Store

Before the Commission is a request for approval of a retail package store licensee to be located at 2716 N John B Dennis Hwy, Kingsport, TN 37660. The applicant is acquiring the package store from the existing licensee owned by Matthew Glass⁴. The TABC staff recommends conditional approval of the license subject to payment of the license fee.

Discussion/Action Taken: Director Thomas summarized the request and recommended conditional approval subject to the license fee. Commissioner Tomita moved for approval subject to the license fee and the motion was seconded. Director Thomas roll called the Commissioners and the motion passed with three ayes.

**4. NORTHSIDE LIQUOR AND WINE
CHATTANOOGA, TENNESSEE (HAMILTON COUNTY)**

Applicant: Armin Inc.
Member(s): Dilipkumar Patel (100%)

Current licensee: Charles R. Williams d/b/a Ken's Liquor Store⁵
Proposed licensee: Armin Inc. d/b/a Northside Liquor and Wine

Before the Commission is a request for approval of a retail package store licensee to be located at 6015 Dayton Blvd., Chattanooga, TN 37415. The applicant is acquiring the package store from the existing licensee owned by

³ License no. RTLRS-SUL-1806993

⁴ In accordance with Tennessee law, sellers are to transfer title and possession of the liquor inventory to the applicant via TABC licensed wholesalers' involvement.

⁵ License no. RTLRS-HAM-1908022



Charles R. Williams⁶. The TABC staff recommends conditional approval of the license subject to payment of the license fee.

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

**5. WAREHOUSE LIQUORS
SPRINGFIELD, TENNESSEE (ROBERTSON COUNTY)**

Applicant: MSM 1, INC.

Shareholders: Current

Vishnubhai Patel (70%)

Naranbhai Patel (30%)

Proposed

Vishnubhai Patel (60%)

Naranbhai Patel (25%)

Bharatkumar Patel (15%)

The retail package store doing business at 1000 S Brown St, Springfield, TN 37172 is requesting approval of change in ownership. Bharatkumar Patel is purchasing ownership interest from both current shareholders. The TABC staff recommends approval of the change in ownership.

Discussion/Action Taken: Director Thomas summarized the request and recommended approval of the change in ownership. Commissioner Tomita moved for approval of the change in ownership and the motion was seconded. Director Thomas roll called the Commissioners and the motion passed with three ayes.

⁶ In accordance with Tennessee law, sellers are to transfer title and possession of the liquor inventory to the applicant via TABC licensed wholesalers' involvement.



**6. EXPRESS LIQUORS
SPRINGFIELD, TENNESSEE (ROBERTSON COUNTY)**

Applicant:	APM 1, Inc.	
Shareholders:	<u>Current</u>	<u>Proposed</u>
	Vishnubhai Patel (70%)	Vishnubhai Patel (60%)
	Naranbhai Patel (30%)	Naranbhai Patel (25%)
		Bharatkumar Patel (15%)

The retail package store doing business at 2023 Memorial Blvd., Suite E, Springfield, TN 37172 is requesting approval of change in ownership. Bharatkumar Patel is purchasing ownership interest from both current shareholders. The TABC staff recommends approval of the change in ownership.

Discussion/Action Taken: Director Thomas summarized the request and recommended approval of the change in ownership. Commissioner Roberts moved for approval of the change in ownership and the motion was seconded. Director Thomas roll called the Commissioners and the motion passed with three ayes.

4. MANUFACTURER MATTERS

**1. STANDARD PROOF WHISKEY CO.
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: Four Blue Palms, LLC
Members: Four Blue Palms, LLC is solely owned by Four Blue Palms III, LLC, which is solely owned by Four Blue Palms II, LLC, which is solely owned by Four Blue Palms Holdings, LLC, which has the following ownership structure: Robert Angus (16.89%), Scott Hillstrom (16.89%), Shelly Masters, (16.89%), SGJ Trust (16.89%), and minority investors totaling 32.42%.

Before the Commission is a request of approval of a manufacturer licensee to be located at 219 5th Avenue North, Nashville, TN 37203. The TABC staff recommends conditional approval of the license subject:



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

Discussion/Action Taken: Director Thomas summarized the request and recommended conditional approval of the manufacturer subject to not only the inspection and license fee, but also **The Alcohol and Tobacco Tax and Trade Bureau (TTB) permit**, which was not previously listed on the Agenda. Curtis Harrington, who represents Standard Proof Whiskey Co., explained to the Commissioners that the manufacturer was expected to receive the permit before the Agenda. However, TTB's everyday work has been impacted due to the current pandemic. The Commissioners asked Harrington about the normal process for obtaining the permit along with asking when their application for a permit was filed. Harrington responded by saying that the application was filed last fall and takes around 120 days to process. Director Thomas gave the Commissioners two options in how to vote on the matter. Either one: move to approve subject to the inspection, license fee, and **TTB permit** or two: motion to continue the matter until the TABC receives the **TTB permit**. Commissioner Tomita moved for approval of the manufacturer subject to the inspection, license fee, and **TTB permit** and the motion was seconded. Director Thomas roll called the Commissioners and the motion passed with three ayes.



**2. STARR MOUNTAIN DISTILLING COMPANY
ETOWAH, TENNESSEE (MCMINN COUNTY)**

Applicant: B&I Enterprises, LLC
Members: Davey Ingram (50%), John Bohannon (50%)

Before the Commission is a request for approval of a manufacturer to be located at 610 Tennessee Ave., Etowah, TN 37331. The TABC staff recommends conditional approval of the license subject to payment of the license fee.

Discussion/Action Taken: Director Thomas summarized the request and recommended approval of the manufacturer subject to payment of the license fee. Commissioner Roberts moved for approval of the manufacturer subject to payment of the license fee and the motion was seconded. Director Thomas roll called the Commissioners and the motion passed with three ayes.

5. WHOLESALER MATTERS

- 1. TRISTAR BEVERAGE - THREE LOCATIONS**
- **CLARKSVILLE, TENNESSEE (MONTGOMERY COUNTY)**
 - **SODDY-DAISY, TENNESSEE (HAMILTON COUNTY)**
 - **COOKEVILLE, TENNESSEE (PUTNAM COUNTY)**

Applicant: TriStar Beverage, LLC
Members: Hand Family Companies, LLC (100%)

Before the Commission is a request for approval of three wholesalers filed by the same applicant to be located at the following locations:

1. 3010 Williams St., Unit 102, Chattanooga, TN 37410
2. 200 Shearer St., Soddy-Daisy, TN 37379
3. 3353 Enterprise Dr., Cookeville, TN 38506

The applicant will lease all three premises from CWHFP, LCC. The TABC staff recommends conditional approval of the licensees subject to:



- a. inspections, which includes an acknowledgment of TABC rules & regulations, at all three locations
- b. license fees for all three wholesalers

Discussion/Action Taken: Director Thomas summarized the request and recommended approval of the three wholesalers subject to the inspections and license fees for all three wholesalers. Cabot Haggin spoke on behalf of TriStar Beverage and noted that the first address on the Agenda is incorrect and is actually **2059 Wilma Rudolph Blvd., Clarksville, TN 37040**. Commission Counsel Stepp confirmed that was the correct address. Commissioner Tomita moved for approval of the three wholesalers subject to the inspections and payment of the license fees and the motion was seconded. Director Thomas roll called the Commissioners and the motion passed with three ayes.

2. PHOENIX SELECTIONS MEMPHIS, TENNESSEE (SHELBY COUNTY)

Applicant: Phoenix Selections, LLC
Members: Shawn Luke (66.67%), James Perry (33.33%)

Before the Commission is a request for approval of a wholesaler to be located at 2170 Business Center Drive, Suite 15, Memphis, TN 38134. The applicant will lease the premises from Gregory Realty GP. The TABC staff recommends conditional approval of the license subject to:

- a. certificate of occupancy
- b. license fee

Discussion/Action Taken: Director Thomas summarized the request and recommended conditional approval of the wholesaler subject to not only the certificate of occupancy and license fee, but also **The Alcohol and Tobacco Tax and Trade Bureau (TTB) permit**, which was not previously listed on the Agenda. Danielle Elks, who represents Phoenix Selections, explained to the Commissioners that the wholesaler was expected to receive the permit before the Agenda. However, like the manufacturer matter trying to also obtain the TTB permit, TTB's everyday work has been impacted due to the current



pandemic. Commissioner Tomita moved for approval of the wholesaler subject to the inspection, license fee, and **TTB permit** and the motion was seconded. Director Thomas roll called the Commissioners and the motion passed with three ayes.

6. MISCELLANEOUS

- Director's Update

Discussion/Action Taken: Director Thomas discussed illegal shipments being made by **Benchmark Wine Group**, located at 445 Devlin Road, Napa, CA 94558. After TABC investigations uncovered illegal alcohol shipments, which Benchmark Wine Group was responsible for within the state, TABC requested company officials cease and desist all illegal shipping activities in Tennessee. However, the cease and desist requests were officially denied by company counsel through written correspondence received on April 13, 2020. The TABC sent formal requests to common carriers (FedEx and UPS) to cease delivery of illegal alcohol from Benchmark Wine Group. Director Thomas mentioned that we occasionally discover an unlicensed business shipping alcohol and normally send them a letter and they stop shipping or apply for a license if eligible. However, it is very rare for a company to refuse our requests and to continue knowing and intentional illegal shipping. Director Thomas on a final note said, "Blatant refusal will not be tolerated by the TABC. Felony charges will be filed if Benchmark Wine Group continues to not comply." Director Thomas said a press release will be issued on the TABC website the next day about Benchmark Wine Group's illegal shipments.

- Law Enforcement Update

Discussion/Action Taken: CLEO Tubbs updated the Commission on law enforcement activity since the last meeting, stating that agents are still mainly working on complaints about single-serving and conducting inspections via phone and e-mail since everyone is working from home due to the state of emergency. CLEO Tubbs also mentioned that all online training courses with DOHR have been completed by the agents.

7. NEXT MEETING – Thursday, May 28, 2020 @ 1:00PM CST

8. UPCOMING MEETINGS

- TBA



**APPROVED FOR ENTRY UPON THE MINUTE BOOKS OF THE TENNESSEE ALCOHOLIC BEVERAGE
COMMISSION THIS THE 28th DAY OF MAY 2020.**



Commissioner



Director

