

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

Minutes
January 27, 2015
1:30 pm

The regular meeting of the Tennessee Alcoholic Beverage Commission was held on Tuesday, January 27, 2014, in Nashville, Tennessee at 1:30 pm. Chairperson Mary McDaniel, Commissioner John A. Jones, and Commissioner Kaeigi were present. Director Keith Bell, Assistant Director Ginna Winfree, CLEO Mark Hutchens, and Staff Attorney Joshua Stepp were in attendance.

1. **Approval of December 16, 2014 Commission Meeting Minutes -Discussion/Action Taken** Commissioner Jones motioned for approval and Commissioner Kaeigi seconded the motion; the motion was approved with 3 ayes

2. **RETAIL**

A. **New Business**

1. **GORDONSVILLE DISCOUNT LIQUORS
GORDONSVILLE, TENNESSEE (SMITH COUNTY)**

Applicant: Gordonsville Discount Liquors, LLC

Current: Johnny Cox 90 %
Joe L. Evins II 10 %

Proposed: Johnny Cox 100 %

Before the Commission is a request for a transfer of ownership interest in the business located at 482A Gordonsville Hwy, Gordonsville, Tennessee. Johnny Cox will purchase Joe Evins' 10% ownership interest for \$10.00 and "other good and valuable consideration." The TABC staff recommends approval of this request.

Discussion/Action Taken- Commissioner Kaeigi motioned for approval and Commissioner Jones seconded the motion; the motion passed with three ayes.

2. **DOWNTOWN LIQUORS
BROWNSVILLE, TENNESSEE (HAYWOOD COUNTY)**

Applicant: MK Spirits, LLC

Current: Downtown Liquors, LLC (d/b/a Downtown Liquors)
Bernard Farber, 100%

Proposed: MK Spirits, LLC (d/b/a Downtown Liquors)

Michael Anthony McCaslin, 100%

Before the Commission is a request for a transfer of ownership in the retail business located at 1142 N. Washington Avenue, Brownsville, Tennessee 38012. Applicant, LLC plans to purchase the business assets of Downtown Liquors, LLC for \$22,000 (plus the cost of inventory).¹ Mr. McCaslin is investing \$100,000 of personal funds into the business, as verified by TABC staff. The current owner assigned its lease to the applicant, and the applicant will pay a monthly rental of \$500.00 until the lease terminates in 2018. The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

- a. TABC Agent Inspection – **received on 1/13/15**
- b. Acknowledgement of TABC Rules & Regulations –**received 1/13/15**
- c. License Fee –**received 1-23-15**

Discussion/Action Taken – Commissioner Kaegi motioned for approval, and Commissioner Jones seconded the motion; the motion passed with three ayes. **Update: License #3981 issued 2/5/15**

**3. CEDAR CHEST LIQUORS
SAVANNAH, TENNESSEE (HARDIN COUNTY)**

Applicant: SAI LLC
Member(s): Saurinkumar L. Patel 100 %

Current: Conway Family Investments, Inc., d/b/a Cedar Chest Liquor Store
(Terry D. Conway Sr., President, 100%; Dana Brown, Secretary, 0%)

Proposed: SAI LLC, d/b/a Cedar Chest Liquors
(Saurinkumar L. Patel, 100%)

Before the Commission is a request for a transfer of ownership in the retail business located at 1615 Wayne Rd., Savannah, Tennessee. The Applicant will purchase the assets and inventory of the current owner for \$260,000.² Mr. Patel is investing \$200,000 of personal funds into the business, as verified by TABC staff. The applicant will lease the premises from Satpal K. Kamboj & Gurkirpal Singh for an initial term of five years, for \$2,900.00 per month. The TABC staff recommends conditional approval of this request, subject to receipt of the following:

- a. Question 7 on the application needs to be completed – **received 1/16/15**
- b. TABC Agent Inspection – **received 1/15/15**
- c. Acknowledgement of TABC Rules & Regulations –**received 1/16/15**
- d. License Fee

¹ In accordance with Tennessee law, Sellers are to transfer title and possession of the liquor inventory to the applicant via TABC licensed wholesalers' involvement. Additionally, buyer agrees to assume debt (approx. \$30,000) as part of the purchase price.

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.

Discussion/Action Taken – Commissioner Kaegi motioned for conditional approval subject to receipt of missing item, and Commissioner Jones seconded the motion; the motion was approved with three ayes. **Update: License # 3980 issued 2/3/15**

**4. MY DISCOUNT LIQUOR & TOBACCO
RED BANK, TENNESSEE (HAMILTON COUNTY)**

Applicant: Umiya Partnership
(Informal Partnership)

Partners: Jayantibhai L. Patel 50 %
Shakuntlabahen J. Patel 50 %

Before the Commission is a request for licensing of a retail store to be located at 2105 Dayton Blvd. in Red Bank, Tennessee. Mr. and Mrs. Patel are investing \$200,000 of personal funds into the business, as verified by TABC staff. The applicant is leasing the premises from PAK Brothers for an initial term of three years, for approximately \$1,200 per month. The TABC staff recommends conditional approval of this request, subject to receipt of the following item:

- a. License Fee

Discussion/Action Taken- Commissioner Jones motioned for conditional approval, subject to receipt of missing item, and Commissioner Kaegi seconded the motion; the motion was approved with three ayes. **Update: License # 3976 issued 1/28/15**

**5. BY PASS LIQUORS
LEWISBURG, TENNESSEE (MARSHALL COUNTY)**

Applicant: Shri Brahmani Ma, Inc.

Stockholders: Manhar Patel, President/Secretary 50 %
Bhumikaben Patel, Vice President 50 %

Current: Shakti, Inc., d/b/a By Pass Liquor Store
(Mukesh Patel, 100%)

Proposed: Shri Brahmani Ma, Inc., d/b/a By Pass Liquors

Before the Commission is a request for licensing of a retail store located at 538 N. Ellington Parkway in Lewisburg, Tennessee. The applicant will purchase the assets of Shakti, Inc., for \$1.00 (plus the cost of inventory³), and will lease the premises of the store from Shree Laxmi Narayan Dev LLC for \$2,000 per month until the lease expires in 2019.⁴ Mr. and Mrs. Patel will invest approximately \$125,000 into the business, as verified by TABC staff. The TABC staff recommends conditional approval of this request, subject to receipt of the following:

- a. TABC Agent Inspection

³ In accordance with Tennessee law, Sellers are to transfer title and possession of the liquor inventory to the applicant via TABC licensed wholesalers' involvement.

⁴ The lease includes three options to renew.

- b. Acknowledgement of TABC Rules & Regulations
- c. Certificate of Occupancy
- d. License Fee

Discussion/Action Taken – Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items, and Commissioner Jones seconded the motion; the motion passed with three ayes. **Update: License #3977 issued 1/29/15**

**6. CORK & FLASK
SODDY DAISY, TENNESSEE (HAMILTON COUNTY)**

Applicant: Cork & Flask, LLC

Member(s): Marcus E. Wolff 100 %

Before the Commission is a request for licensing of a retail store to be located at 222 Sequoyah Rd., Soddy Daisy, Tennessee. As verified by TABC staff, Mr. Wolf is investing \$80,000 of personal funds into the business. The applicant will lease the premises from Soddy Daisy Retail Investments, LLC for an initial term of three years, for approximately \$1,600.00 per month. The TABC staff recommends conditional approval of this request, subject to receipt of the following:

- a. Questionnaire of Lisa Wolff –**received 1/23/15**
- b. License Fee
- c. Certificate of Occupancy –**received 1/26/15**

Discussion/Action Taken Commissioner Jones motioned for conditional approval, subject to receipt of the missing item, and Commissioner Kaegi seconded the motion; the motion passed with three ayes. **Update: License # 3975 issued 1/28/15**

**7. ELITE WINE & LIQUOR
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Applicant: Aleksandr Kats, Sole Proprietor

Before the Commission is a request for licensing of a retail store to be located at 670 N. Germantown Parkway, Suite #10, Memphis, Tennessee. Mr. Kats is investing approximately \$120,000 of personal funds into the business, as verified by TABC staff. Loeb Realty L.P. will lease the premises to the applicant for an initial term of 63 months, for approximately \$3,600 per month. The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

- a. TABC Agent Inspection –**received 1/27/15**
- b. Acknowledgement of TABC Rules & Regulations –**received 1-27-15**
- c. Certificate of Occupancy – **received 1/27/15**
- d. License Fee – **received 1-27-17**
- e. Confirmation that this new location is not within 1,500 feet of an existing retailer ⁵-**received 1/27/15**

⁵ Tenn. Code Ann. § 57-3-406(a)(4) states, in part: For five (5) years beginning January 1, 2014, no retail license shall be issued to any applicant for a new location that is within one thousand five hundred feet (1,500') of an existing operating establishment holding a license issued pursuant to § 57-3-204 as of July 1, 2014, (an "existing licensed premises") if the applicant for such new retail license already holds one (1) or more retail licenses issued under § 57-3-204, unless the commission receives the written

Discussion/Action Taken- Commissioner Jones motioned for approval and Commissioner Kaegi seconded the motion; the motion passed with three ayes.

**8. POPLAR PIKE WINES
GERMANTOWN, TENNESSEE (SHELBY COUNTY)**

Applicant: Joan Jekels

Before the Commission is a request for an expansion of the premises of the retail store located at 9330 Poplar Pike #103, Germantown, Tennessee. After review of the documentation, the TABC staff recommends conditional approval of this request, subject to receipt of the following:

- a. Certificate of Occupancy (once build-out is complete)
- b. TABC Inspection (once build-out is complete)

Discussion/Action Taken- Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items; Commissioner Jones seconded the motion. The motion passed with three ayes.

**9. SISTER'S CELLAR
FAIRVIEW, TENNESSEE (WILLIAMSON COUNTY)**

Applicant: Denise M. Clark 50 %
Karen B. Irving 50 %

Current: D&D Enterprises (Dean Trathen, 50%; Don Vincent 50%)
D/b/a: 182 Wine and Spirits

Proposed: Denise Clark & Karen Irving
D/b/a: Sister's Cellar

Before the Commission is a request for a transfer of ownership of the retail store located at 1518 Hwy. 96 N., Fairview, Tennessee. The applicant will purchase the assets of the current owner for \$55,000.⁶ Ms. Clark and Ms. Irving are each investing \$27,500 of personal funds into the business, and will lease the premises from Peery Enterprises, LP, for approximately \$700.00 per month.⁷ The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

- a. TABC Agent Inspection
- b. Acknowledgement of TABC Rules & Regulations
- c. License Fee

Discussion/Action Taken – Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items; Commissioner Jones seconded the motion and the motion passed with three ayes.

consent from each retail licensee owning an existing licensed premises within one thousand five hundred feet (1,500') of such new location

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.

⁷ The lease includes four, one (1) year options to renew.

**10. E. HIGH WINE & LIQUOR
LEBANON, TENNESSEE (WILSON COUNTY)**

Applicant: Hany Fahmy, Sole Proprietor

Before the Commission is a request for licensing of a retail store to be located at 126 E. High St., Lebanon, Tennessee 37087. As verified by TABC staff, Mr. Fahmy is investing \$65,000 of personal funds into the business. The applicant and George Fahmy own the real property (tenants in common) and G. Fahmy has agreed to lease the premises to H. Fahmy for \$2,000 per month until the lease expires in 2040. The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

- a. TABC Inspection
- b. Acknowledgment of TABC Rules & Regulations
- c. License Fee

Discussion/Action Taken – Commissioner Kaegi motioned for conditional approval subject to receipt of missing items; Commissioner Jones seconded the motion and it passed with three ayes. **Update: License # 3979 issued 2/2/15**

**11. NORTHWEST LIQUORS
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: Chris Helton, Sole Proprietor

Seller: Jenar M. Kader, d/b/a Northwest Liquors

Before the Commission is a request for licensing of a retail store to be located at 1613 Buchanan St., Nashville, Tennessee. Applicant, Chris Helton is investing \$40,000 of personal funds to purchase the business assets of Jenar Kader, d/b/a Northwest Liquors.⁸ The applicant will pay Bhupat Metha \$2,500 per month to lease the premises of the business for an initial term of five years. The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

- a. TABC Inspection
- b. Acknowledgement of TABC Rules & Regulations
- c. Certificate of Occupancy –**received 1/26/15**
- d. License Fee – **received 1/27/15**
- e. Applicant will need to verify TN sales tax number –**received 1-27-15**

Discussion/Action Taken – Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items (a and b), and Commissioner Jones seconded the motion; the motion passed with three ayes. **Update: License # 3978 issued 1/30/15**

3. WINERIES

A. NEW BUSINESS- NONE

⁸ The purchase price of the business was \$40,000.

4. FARM WINERIES

A. NEW BUSINESS

**1. MNM FARM WINERY
ETHRIDGE, TENNESSEE (LAWRENCE COUNTY)**

Applicant: Johnny M. Lynch 75 %
 Penelope Patterson 25 %

Current: Johnny M. Lynch, Sole Proprietor

Before the Commission is a request for a change in ownership of the farm winery located at 361 Pleasant Valley Rd., Ethridge, Tennessee. If approved, Mr. Lynch's daughter, Penelope Patterson, would become a 25% partner in MNM Farm Winery, and the TABC staff recommends approval of this request.

Discussion/Action Taken – Commissioner Kaegi motioned for approval, Commissioner Jones seconded the motion, and the motion passed with three ayes.

5. WHOLESALERS

A. NEW BUSINESS- NONE

6. DISTILLERY

A. NEW BUSINESS

**1. THE TENNESSEE STILLHOUSE COMPANY
CHATTANOOGA, TENNESSEE (HAMILTON COUNTY)**

Applicant: TNSH, LLC

Members: Andrew Kean, President 0 %
 Timothy Piersant, CEO 0 %
 Tennessee Stillhouse Holdings, LLC⁹ 100 %

Before the Commission is a request for licensing of a distillery to be located at 1439 Market St., Chattanooga, Tennessee. Financing for the business will be through a line of credit from FSG bank, as verified by TABC staff. The applicant is leasing the premises of the store from Thomas L. Johnson for an initial term of three years, and will pay approximately \$5,000 per month. The TABC staff recommends conditional approval of this request, subject to receipt of the following:

- a. Certificate of Occupancy

⁹ Ownership of Tennessee Stillhouse Holdings, LLC: Tim Piersant (58.98%), Solomon Holdings, LLC (9.94%), Lamp Post Group, LLC (9.94%), Ben Probasco (4.97%), Scott Probasco, III (4.97%), Zan Guerry (2.48%), Bob Bosworth (1.99%), Charlie Stafford (1.99%), Derrill Pitts (1.99%), Krue Brock (1.27%), Alexis Bogo (0.99%), and Blair Ramsey (0.50%)

- b. Questionnaire for Mike Robinson (manager)
- c. TTB Federal Basic Permit
- d. Deed – received 1/13/15

Discussion/Action Taken – Director Bell recommended this matter be continued until the February meeting, based on a change in the make-up ownership. This change occurred after the publication of the agenda. Commissioner Jones motioned to defer this matter to the February TABC meeting and Commissioner Kaegi seconded the motion; the motion passed with three ayes.

7. PRIVATE CLUBS

A. NEW BUSINESS- None

8. SERVER MATTERS/EMPLOYEE’S ON PREMISE PERMIT

1. JOSE EDUARDO HERNANDEZ MATA

Mr. Mata made application with the TABC on or about October 29, 2014. On November 18, 2014 a copy of Mr. Mata’s Employment Verification Card was entered into the Department of Homeland Security SAVE program (Systematic Alien Verification for Entitlements), and on November 24, 2014, it was confirmed via SAVE that Mr. Mata is classified as DACA (Deferred Action for Childhood Arrivals). As stated by U.S. Citizenship and Immigration Services, “deferred action is a discretionary determination to defer a removal action of an individual as an act of prosecutorial discretion.” Deferred action does not confer lawful status, and as such, Mr. Mata is not “qualified” for a public benefit - in this case - an employee/server permit issued by the TABC. The TABC staff mailed Mr. Mata a denial letter on December 2, 2014. At some point during this time Mr. Mata spoke with Staff Attorney Joshua Stepp and Mr. Stepp explained the reason for the denial. On December 16, 2014, the TABC received a letter from Mr. Mata requesting a hearing.

Discussion/Action Taken – Commissioner Jones motioned to uphold the denial of Mr. Mata’s permit, and Commissioner Kaegi seconded the motion; the motion passed with three ayes.

9. DATE OF NEXT MEETING - February 24, 2015

APPROVED FOR ENTRY UPON THE MINUTE BOOKS OF THE TENNESSEE ALCOHOLIC BEVERAGE COMMISSION THIS THE 24th DAY OF FEBRUARY, 2015.


 Commissioner


 Keith Bell
 Executive Director