

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

**MINUTES
October 20, 2015
1:30 pm**

Commissioner Jones was not in attendance, but the presence Chairperson McDaniel and Commissioner Kaegi constituted a quorum and the meeting was conducted. Director, E. Keith Bell, Assistant Director, Ginna Winfree, Staff Attorney, Joshua Stepp and CLEO Mark Hutchens were present.

1. APPROVAL OF THE SEPTEMBER 22, 2015 COMMISSION MEETING MINUTES

Discussion/Action Taken: Commissioner Kaegi motioned for approval of the minutes; Chairperson McDaniel seconded the motion and it passed with two ayes.

Commissioner Kaegi motioned to approve the inclusion of the addendum as part of the agenda. Chairperson McDaniel seconded the motion and it passed with 2 ayes.

2. RETAIL MATTERS

A. NEW BUSINESS

**1. WHITEHAVEN LIQUORS (LICENSE NO. 3659)
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Applicant: Louis J. Vescovo, Sole Proprietor

Before the Commission is a request for an expansion of the premises of the retail store located at 1608 East Brooks Rd., Memphis, TN 38116. If approved, the applicant will expand the store into an adjoining space. The applicant will lease the premises (including the additional space) from Pescovo, Inc., for a term of 120 months at a monthly rental rate of \$2,000.¹ The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

- a. Use & Occupancy (after build-out)
- b. TABC Inspection (after build-out)

Discussion/Action Taken: Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items; Chairperson McDaniel seconded the motion and it passed with 2 ayes. **Items (a & b) not received as of 11.09.15**

¹ Monthly rent will increase to \$2,500 for the second five years of the lease.

**2. NORTH GATE LIQUOR
CHATTANOOGA, TENNESSEE (HAMILTON COUNTY)**

Applicant: Ankurkumar Patel (50%) & Dharmeshku Patel (50%)
General Partnership

Before the Commission is a request for licensing of a new retail store to be located at 5241 Hwy. 153, Chattanooga, TN 37343. The applicant is investing approximately \$300k into the business using personal loans totaling \$175k and personal funds. Landlord, Won Gi Chu, will lease the premises to the applicant for an initial term of five years at a monthly rental rate of approximately \$4,600.² The TABC staff recommends conditional approval of this request, subject to receipt of the following:

- a. Use & Occupancy (after build-out)
- b. TABC Inspection (after build-out)
- c. Acknowledgement of TABC Rules & Regulations
- d. TABC Agent Investigative Report
- e. License Fee

Discussion/Action Taken: Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items; Chairperson McDaniel seconded the motion and it passed with 2 ayes. License has not been issued as of 11.09.15

**3. GRAND CRU WINE & SPIRITS (LICENSE NO. 3416)
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: The Wine Rack, LLC

Member(s):	CMD, LP ³ , Member	47.50 %
	Collie F. Daily, Member	23.75 %
	Caroline C. Wilson, Member	23.75 %
	Jason R. Ross, Member	5.00 %
	G.H. Christianson, II, President/Chief Mgr.	0.00 %
	Kathleen T. Key, Secretary	0.00 %

Current Member(s):		
	Ellen Christianson, Chief Mgr./Member	50.00 %
	Collie F. Daily, Member	25.00 %
	Caroline C. Wilson, Member	25.00 %
	Kathleen T. Key, Member	00.00 %

² The lease includes an option to renew for a five year term at the end if the initial term and every option turn.

³ CMD, LP: George H. Christianson, General Partner and Ellen R. Christianson, Limited Partner

Before the Commission is a change in members and member interest in The Wine Rack, LLC doing business at 3433 Murphy Road, Nashville, TN 37203. CMD, LP (George H. Christianson, General Partner and Ellen R. Christianson, Limited Partner) is acquiring 47.5% of the ownership interest from Ellen Christianson, and Jason Ross (general mgr.) is being given 5% ownership interest. The TABC staff recommends conditional approval of this request, subject to receipt of the following:

- a. ~~TABC Agent Investigative Report received 10.20.15~~

Discussion/Action Taken: Director Bell reviewed the matter to the Commission and recommended conditional approval, subject to receipt of a satisfactory agent report. Commissioner Kaegi motioned for conditional approval, subject to receipt of missing item; Chairperson McDaniel seconded the motion and it passed with 2 ayes. **Database updated 10.20.2015**

**4. LEGACY WINE & SPIRITS
SMYRNA, TENNESSE (RUTHERFORD COUNTY)**

Applicant:	REYAN, Inc.	
Shareholder(s):	Gaurang Patel	43 %
	Chirag Patel	30 %
	Tejal Patel	20 %
	Dipakkumar Patel	03 %
	Jigna Patel	04 %

Before the Commission is a request for licensing of a new retail store to be located at 720 Legacy Court, Smyrna, Tennessee 37167. The applicant is investing approximately \$450k into the business (\$400k bank loan and personal funds). Landlord, Legacy Joint Venture, will lease the premises to the applicant for an initial term of five years at a monthly rental rate of \$12,000.⁴ 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
- d. License Fee

Discussion/Action Taken: Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items. Chairperson McDaniel seconded the motion and it passed with 2 ayes. **License has not been issued as of 11.09.15**

⁴ The lease includes an option to renew.

**5. PATEL WINE & SPIRITS
SPRING HILL, TENNESSEE (WILLIAMSON COUNTY)**

Applicant: Jay Guru Dat, Inc.
Shareholder(s): Pinkiben A. Patel, President 100 %

Before the Commission is a request for licensing of a new retail store to be located at 5022 Spedale Court, Spring Hill, Tennessee 37174. The applicant plans to invest \$170k into the business (160k personal loan from Bhailal Patel at 3% per annum and personal savings). If approved, the applicant will lease the premises from BSCM 2004-PWR5 Campbell Station, LLC, for an initial term of five years at a monthly rental rate of approximately \$3,000.⁵ 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
- d. License Fee

Discussion/Action Taken: Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items; Chairperson McDaniel seconded the motion and it passed with 2 ayes. License has not been issued as of 11.09.15

**6. VILLAGE WINES
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: ThirdXCharm, LLC
Member(s): Edward H. Fryer III⁶ 100 %

Before the Commission is a request for licensing of a new retail store to be located at 2006 Belcourt Avenue, Nashville, Tennessee 37212. The previous licensee at this location, Hillsboro & Vine, LLC, surrendered its license on September 8, 2015. Mr. Fryer will invest \$5,000 initially into the business. Landlord, Hung Ming Chen, has agreed for the assignment of the previous tenant's lease to the applicant, and the applicant will lease the premises for an initial term of ten years at a monthly rental rate of approximately \$5,500.⁷ The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

⁵ The lease includes options to renew for two additional five year periods.

⁶ Mr. Fryer also owns Music City Wine and Spirits (License No. 3993) located at 2282 Lebanon Rd., Nashville, Tennessee.

⁷ Monthly rent will increase by 3% per year. The lease includes an option to renew for a period of three years.

- a. TABC Inspection
- b. ~~Certificate of Compliance~~ – received 10.13.15
- c. Acknowledgement of TABC Rules and Regulations
- d. ~~License Fee~~ *license fee paid 10.20.15 after the meeting

Discussion/Action Taken: Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items; Chairperson McDaniel seconded the motion and it passed with 2 ayes. **Update:** license no. 4042 issued 10.22.15

- 3. **WINERY MATTERS** - There were no winery matters that came before the Commission on October 20, 2015
- 4. **FARM WINERY MATTERS** - There were no farm winery matters that came before the Commission on October 20, 2015
- 5. **WHOLESALE MATTERS** - There were no wholesale matters that came before the Commission on October 20, 2015

6. DISTILLERY/BREWERY

A. NEW BUSINESS

**1. TENNESSEE DISTILLING, LTD. (LICENSE NO. 119)
COLUMBIA, TENNESSEE (MAURY COUNTY)**

Applicant: Tennessee Distilling Group, LLC

Member(s): Larry Michael Williams	50 %
Mark Scott Mackenzie	50 %

The applicant doing business at 1929 Ridgecrest Drive, Columbia, TN is requesting approval to store its products in a building that is adjacent to, but not connected to the main building. The building will have the same address as the present address, but with the designation "Building 2." Building 2 will be used as a warehouse and no spirits production will occur there. The TABC staff recommends conditional approval of this request, subject to receipt of the following:

- a. ~~TTB approval of new bonded storage area~~ received 10.13.15
- b. ~~TABC Inspection~~ received

Discussion/Action Taken: Item (a.) was received prior to the meeting. Commissioner Kaegi motioned for conditional approval, subject to receipt of the missing item; Chairperson McDaniel seconded the motion and it passed with 2 ayes. **Database updated.**

- 7. **PRIVATE CLUBS** - There was an addendum to the October 20, 2015 TABC meeting agenda. (See page 7)

8. INITIAL ORDERS TO BE REVIEWED BY THE COMMISSION – none

9. SERVER APPEALS - none

10. MISC – none

11. NEXT MEETING – Tuesday, November 17, 2015

12. UPCOMING MEETINGS

- Tuesday, November 17, 2015
- Tuesday, December 15, 2015
- January, 2016 - TBD - The January date was not set at the October meeting.

See addendum item below

**TENNESSEE ALCOHOLIC BEVERAGE COMMISSION
OCTOBER 20, 2015
SUMMARY - ADDENDUM**

**1. BLUEGRASS YACHT AND COUNTRY CLUB
HENDERSONVILLE, TENNESSEE (SUMNER COUNTY)**

Applicant: Bluegrass Club, LLC

Members: CCA Mezzanine Holdco, LLC⁸ 100 %
Eric Affeldt, President
Curt McClellan, Treasurer
Ingrid Keiser, Secretary

Before the Commission is a request for licensing of a for profit private club located at 550 Johnny Cash Pkwy, Hendersonville, Tennessee 37075. The applicant currently has an LBD license at this location (License no. 28053) but plans to surrender the license once the private club license is issued. The club meets the requirements of T.C.A § 57-4-102(8)(F)⁹ and has approximately 679 members each paying

⁸ ClubCorp Mezzanine Borrower, LLC is the 100% owner of CCA Mezzanine Holdco, LLC. ClubCorp USA, Inc. is the 100% owner of ClubCorp Mezzanine Borrower, LLC. Officers for each are: E. Affeldt, C.McClellan, and I. Keiser.

⁹ T.C.A. 57-4-102(8)(F) (i) (a) "Club" also means a for-profit recreational club, organized and existing under the laws of the state of Tennessee, which has at least two hundred twenty-five (225) dues-paying members who pay dues of at least three hundred dollars (\$300) a year. Such club shall have 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 have suitable kitchen and dining facilities. Such club shall serve at least one (1) meal daily, five (5) days a week. Such club may not compensate or pay any officer, director, agent or employee any profits from the sale of alcoholic or malt beverages based upon the volume of such beverages sold. Such club shall not discriminate against any patron or potential member on the basis of gender, race, religion or national origin. It is the express intention of the general assembly that the law concerning the purchase or possession of alcoholic beverages by persons under twenty-one (21) years of age be strictly enforced in such clubs;

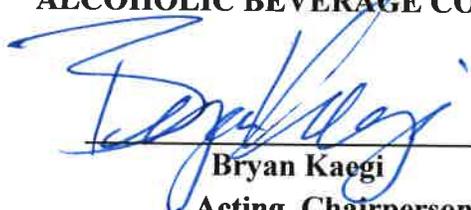
(b) The premises, as provided in § 57-4-101(a)(2) for a club, whether such parcels comprising the club premises are contiguous or not, shall also include the golf course, including beverage carts; tennis courts; all areas of the clubhouse; the area immediately surrounding the swimming pool, if a club offers

more than \$300 per year. The facility contains a clubhouse with more than 5,000 sq. feet, an 18 hole golf course, and adequate dining facility and kitchen for its members. The TABC staff recommends conditional approval of this request, subject to receipt of the following items:

- a. Certificate of Occupancy
- b. ~~TABC Inspection~~ received 10.14.15
- c. ~~Acknowledgment of TABC Rules & Regulations~~ received 10.14.15
- * The license fee is also needed.

Discussion/Action Taken: Commissioner Kaegi motioned for conditional approval, subject to receipt of missing items; Chairperson McDaniel seconded the motion and it passed with 2 ayes. License has not been issued as of 11.09.15

**APPROVED FOR ENTRY UPON THE MINUTE BOOKS OF THE TENNESSEE
ALCOHOLIC BEVERAGE COMMISSION THIS THE 17th DAY OF NOVEMBER, 2015.**



Bryan Kaegi
Acting Chairperson



Keith Bell
Executive Director

