



The Metropolitan Government of Nashville and Davidson County...

Metro Beer Board Minutes

Meeting Date:	Wednesday– January 27, 2021 @ 5:30 P.M.
Teleconference Info:	Call: 415-655-0002 Access Code: 146 320 9400# When prompted, press # to indicate you are an attendee

BOARD MEMBERS	STAFF PRESENT	MEMBER ATTENDANCE	OTHERS PRESENT
Mr. Brian Taylor, Chairperson Kia Jarmon, Vice Chairperson Mr. Christopher M. Bellamy Mr. William Conway Mr. Joe Perlen Ms. Bailey Spaulding Ms. Delfine Fox Mr. Matthew Garth, Attorney	Benton McDonough, Director Terrence Darby Sr, ASO IV Douglas James Jr, Inspector II Darrell Hardrick, Inspector I Melvin Brown Jr., Special Assistant to the Director Amanda Webb, Office Specialist		

*** CALL TO ORDER**

At 5:31p.m., Chairman Brian Taylor called the meeting to order.

*** ROLL CALL**

Chairman Taylor called roll to determine the existence of a quorum.

Present: Mr. Christopher Bellamy, Mr. William Conway, Mr. Joe Perlen, Chairman Brian Taylor.

Based upon the existence of a quorum, Chairman Taylor continued.

Ms. Bailey Spaulding joined the meeting.

*** DETERMINATION OF NECESSITY BY TELECONFERENCE**

Legal Counsel, Matthew Garth, instructed the board that Governor Lee's Executive Order 16, later extended by Executive Order 71, enabled local boards and commissions to conduct board meetings virtually only if the board deems the business coming before the board to be essential business, the board chooses to conduct such business in electronic format, and the board waives any rules to the contrary. Mr. Conway then made a motion to formally adopt Counsel's explanation. The motion was then seconded by Mr. Bellamy.

Aye: Bellamy, Conway, Perlen, Spaulding

No: N/A

Present Not Voting: Chairman Taylor

*** APPROVAL OF THE MINUTES**

APPEAL OF DECISIONS

If you are not satisfied with a decision of the Metropolitan Beer Permit Board regarding your application or your hearing, you may appeal the decision to the Davidson County Chancery or Circuit Court pursuant to the requirements set forth in T.C.A. 57-5-108. The decisions of the Metropolitan Beer Permit Board take effect on a date to be determined by the board. However, you may file an appeal within 60 days of the date of entry of the board's decision. We advise that you seek your own independent legal advice to ensure that your appeal is filed in a timely manner and that all procedural requirements have been met.

APPROVAL OF MINUTES AND CALL THE MEETING TO ORDER

Approval of the January 14, 2021 Minutes:
 Aye: Bellamy, Conway, Perlen, Spaulding
 No: N/A
 Present Not Voting: Chairman Taylor

Motion: to accept.

 First: Mr. Conway
 Second: Mr. Bellamy
 Opposed: N/A

APPLICATIONS FOR APPROVAL

- | | |
|------------------------------------------------------------------------------------|-------------|
| (3) <i>Sunrise Capital SPV I, LLC, 1900 Eastland Ave #105 37206, TWO TEN JACK</i> | T20-27022 |
| ON-SALE (NEW LOCATION) | (Dist. #06) |
| (4) <i>Thor's Hammer, LLC, 648 Fogg St 37203, BAD AX, BLU OX, FOGG STREET</i> | T20-26911 |
| LAWN CLUB | |
| ON-SALE (NEW LOCATION) | (Dist. #19) |
| (5) <i>Bearded Iris Brewing Company, LLC, 101 Van Buren St 37208, BEARDED IRIS</i> | T21-27029 |
| BREWING COMPANY | |
| DLVRYCRBSD | (Dist. #19) |
| (6) <i>C&I, LLC, 1538 Demonbreun St 37203, TAILGATE BREWERY MUSIC ROW</i> | T21-27033 |
| DLVRYCRBSD | (Dist. #19) |
| (7) <i>Stop N Shop Market LLC, 5100 Indiana Ave 37209, STOP N SHOP</i> | T20-26888 |
| OFF-SALE (CHANGE OF OWNERSHIP) | (Dist. #20) |

(8) *TailGate Beer, LLC, 7300 Charlotte Pike 37209, TAILGATE BREWERY* T21-27032

DLVRYCRBSD (Dist. #22)

Chairman Taylor read the applications recommended for final approval by staff. Mr. Conway made a motion to accept the staff's recommendation for final approval of the aforementioned applicants. Mr. Bellamy seconded the motion.

Aye: Bellamy, Conway, Perlen, Spaulding

Nay: None.

Present Not Voting: Chairman Taylor.

DEFER INDEFINITELY

(9) *Southern Grist Brewing Company, LLC, 750 Douglas Ave 37207, SOUTHERN* T21-27042

GRIST BREWING COMPANY

ON/OFF-SALE (NEW LOCATION) (Dist. #05)

(MISSING DOCUMENTS)

(10) *Southern Grist Brewing Company, LLC, 750 Douglas Ave 37207, SOUTHERN* T21-27043

GRIST BREWING COMPANY

DLVRYCRBSD (NEW LOCATION) (Dist. #05)

(MISSING DOCUMENTS)

(11) *HASD, LLC, 811 Gallatin Ave 37206, TAILGATE BREWERY EAST NASHVILLE* T21-27034

DLVRYCRBSD (NEW LOCATION) (Dist. #06)

(MISSING DOCUMENTS)

(12) *Shep's Nashville LLC, 1000 Main St 37206, SHEP'S DELICATESSEN* T21-27035

ON/OFF-SALE (NEW LOCATION) (Dist. #06)

(MISSING DOCUMENTS)

(13) *Vishnu Krupa, LLC, 44 Rachel Dr 37214*, **CAMBRIA HOTEL & SUITES NASHVILLE AIRPORT**
T21-27040

ON/OFF-SALE (NEW LOCATION) (Dist. #15)
(MISSING DOCUMENTS)

(14) *Hops and Crafts Gulch LLC, 319 12Th Ave S 37203*, **HOPS AND CRAFTS GULCH LLC** T21-27036

ON/OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #19)
(MISSING DOCUMENTS)

(15) *Blanco 5B Nashville LLC, 530 Broadway 37203*, **BLANCO TACOS + TEQUILA** T21-27041

ON-SALE (NEW LOCATION) (Dist. #19)
(MISSING DOCUMENTS)

(16) *The Rock 'N Dough Pizza Company LLC, 1105 51St Ave N 37209*, **THE ROCK 'N DOUGH PIZZA COMPANY LLC** T21-27039

ON/OFF-SALE (NEW LOCATION) (Dist. #20)
(MISSING DOCUMENTS)

(17) *ILS Inc, 2300 Elliston Pl 37203*, **I LOVE SUSHI** T21-27030

ON-SALE (Dist. #21)
(MISSING DOCUMENTS)

(18) *YOSHI SUSHI & THAI, INC, 1307 Bell Rd #109 37013*, **YOSHI SUSHI & THAI, INC** T21-27037

ON-SALE (CHANGE OF OWNERSHIP) (Dist. #31)
(MISSING DOCUMENTS)

(19) *Steamboys #4, LLC dba Steamboys, 3 Burkitt Commons Ave #300 37135,*

T21-27038

STEAMBOYS #4

ON-SALE

(NEW LOCATION)

(Dist. #31)

(MISSING DOCUMENTS)

Chairman Taylor read the applications recommended for indefinite deferral by staff. Mr. Conway made a motion to accept the staff's recommendation for indefinite deferral of the aforementioned applicants. Mr. Bellamy seconded the motion.

Aye: Bellamy, Conway, Perlen, Spaulding

Nay: None.

Present Not Voting: Chairman Taylor.

REQUEST TO WITHDRAW

(20) *Game Terminal 3, LLC, 201 Terminal Ct 37210, GAME TERMINAL 3, LLC*

T19-26255

ON-SALE

(NEW LOCATION)

(Dist. #17)

(REQUEST TO WITHDRAW)

Chairman Taylor read the applicants requesting withdraw. Mr. Conway made a motion to accept the staff's recommendation for withdraw of the aforementioned applicants. Mr. Bellamy seconded the motion.

Aye: Bellamy, Conway, Perlen, Spaulding

Nay: None.

Present Not Voting: Chairman Taylor.

COMPLAINTS

(21) *D3M, LLC, 1520 HAMPTON ST 37207, JAZZY'S BISTRO*

18-25416

ON-SALE

(Dist. #02)

(Alleged violation of M.C.L 7.08.140T It is unlawful for any beer permit holder or his agent or employee to allow or engage in any criminal activity on the premises. on or about November 28, 2020

To wit: TCA 68-2-602. Violations of rules and regulations of county board – Penalty. Any person who violates a county board of health regulation commits a Class C misdemeanor.

Permittee found to be in violation of MPHD Order #12 *by operating after hours and exceeding posted max occupancy on or about November 28, 2020*

STAFF RECOMMENDATIONS: \$2000 Civil Penalty

(22) *The Clubhouse Sports Bar and Grill, LLC, 271 Gleaves ST 37115, The* 14-19897

Clubhouse Sports Bar and Grill

ON-SALE (Dist. #10)

(Alleged violation of M.C.L 7.08.140T It is unlawful for any beer permit holder or his agent or employee to allow or engage in any criminal activity on the premises. To wit: TCA 68-2-602. Violations of rules and regulations of county board – Penalty. Any person who violates a county board of health regulation commits a Class C misdemeanor.

Permittee found to be in violation of MPHD Order #12 by *operating after hours; exceeding posted max occupancy; no social distancing.*

STAFF RECOMMENDATIONS: \$3000 Civil Penalty

(23) *Julio Arias Sicilia, 12 E THOMPSON LN 37211, DANIELA'S RESTAURANT* 18-25525

ON-SALE (Dist. #16)

(Alleged violation of M.C.L 7.08.140T It is unlawful for any beer permit holder or his agent or employee to allow or engage in any criminal activity on the premises. To wit: TCA 68-2-602. Violations of rules and regulations of county board – Penalty. Any person who violates a county board of health regulation commits a Class C misdemeanor.

Permittee found to be in violation of MPHD Order #12 by *operating after hours; Patrons without mask; and No social distancing protocols on or about December 05, 2020.*

STAFF RECOMMENDATIONS: \$3000 Civil Penalty

(24) *Kajin, Inc., 2521 A NOLENSVILLE PIKE 37211, NASHVILLE HOOKAH BAR* 20-26472
ON-SALE (Dist. #16)

(Alleged violation of M.C.L 7.08.140T It is unlawful for any beer permit holder or his agent or employee to allow or engage in any criminal activity on the premises. To wit: TCA 68-2-602. Violations of rules and regulations of county board – Penalty. Any person who violates a county board of health regulation commits a Class C misdemeanor.

Permittee found to be in violation of MPHD Order #12 by **operating after hours** on or about November 09,2020).

STAFF RECOMMENDATIONS: \$1000 Civil Penalty

(25) *Kajin, Inc., 2521 A NOLENSVILLE PIKE 37211, NASHVILLE HOOKAH BAR* 20-26472
ON-SALE (Dist. #16)

(Alleged violation of M.C.L 7.08.140T It is unlawful for any beer permit holder or his agent or employee to allow or engage in any criminal activity on the premises. To wit: TCA 68-2-602. Violations of rules and regulations of county board – Penalty. Any person who violates a county board of health regulation commits a Class C misdemeanor.

Permittee found to be in violation of MPHD Order #12 by **operating after hours** on or about November 23, 2020).

STAFF RECOMMENDATIONS: \$1000 Civil Penalty

(26) *Kajin, Inc., 2521 A NOLENSVILLE PIKE 37211, NASHVILLE HOOKAH BAR* 20-26472
ON-SALE (Dist. #16)

(Alleged violation of M.C.L 7.08.140T It is unlawful for any beer permit holder or his agent or employee to allow or engage in any criminal activity on the premises. To wit: TCA 68-2-602. Violations of rules and regulations of county board – Penalty. Any person who violates a county board of health regulation commits a Class C misdemeanor.

Permittee found to be in violation of MPHD Order #12 **no one wearing mask; not practicing social distancing** on or about December 06, 2020).

STAFF RECOMMENDATIONS: \$2000 Civil Penalty

(27) *WKND, 1703 Church ST 37203, WKND*

13-19731

ON-SALE

(Dist. #21)

(Alleged violation of M.C.L 7.08.140T It is unlawful for any beer permit holder or his agent or employee to allow or engage in any criminal activity on the premises. To wit: TCA 68-2-602. Violations of rules and regulations of county board – Penalty. Any person who violates a county board of health regulation commits a Class C misdemeanor.

Permittee found to be in violation of MPHD Order #12 *Patrons in line outside without mask; Patrons on the inside without mask* on or about December 04, 2020).

STAFF RECOMMENDATIONS: \$2000 Civil Penalty

Chairman Taylor read the complaints followed by the corresponding staff recommendations. Mr. Conway made a motion to accept the staff's recommendation. Mr. Perlen then seconded the motion.

Aye: Bellamy, Conway, Perlen, Spaulding

Nay: None.

Present Not Voting: Chairman Taylor.

TRIALS

(28) *LuLu's Discount Tobacco, 3717 Clarksville PIKE 37218, LuLu's Discount Tobacco*

06-16132

OFF-SALE

(Dist. #02)

(Alleged violation of M.C.L 7.08.140C It is unlawful for any beer permit holder or his agent or employee to make or permit to be made any sale of beer to a person under twenty-one years of age. T.C.A 57-5-301(a)(1) prior to making a sale of beer for off-premise consumption, state law requires identification for the sale of beer on or about October 20, 2020).

The Respondent pled guilty.

Inspector Hardrick testified on behalf of the Beer Board. Inspector Hardrick testified that the board conducted a controlled buy, on or about October 20, 2020, wherein the underage informant successfully purchased beer. Mr. Ashraf Ibrahim testified on behalf of the Respondent and admitted that his employee sold beer to the underage informant. Mr. Ibrahim stated that he fired the employee.

Following discussion, Mr. Bellamy made a motion to accept the staff's recommendation of a \$3,000 civil penalty or the option of a 30 day suspension / 180 day probation. That motion was then seconded by Mr. Conway.

Aye: Bellamy, Conway, Perlen, Spaulding

Nay: None.

Present Not Voting: Chairman Taylor.

(29) *Mucho Express, 167 Lafayette ST 37210, Mucho Express*

13-17079

OFF-SALE

(Dist. #17)

(Alleged violation of M.C.L 7.08.140C It is unlawful for any beer permit holder or his agent or employee to make or permit to be made any sale of beer to a person under twenty-one years of age on or about October 15, 2020).

The Respondent pled guilty.

Inspector Hardrick testified on behalf of the Beer Board. Inspector Hardrick testified that the board conducted a controlled buy, on or about October 15, 2020, wherein the underage informant successfully purchased beer. Mr. Tesfalidet Berhane testified on behalf of the Respondent and admitted that the informant was able to successfully purchase beer, but the Respondent believed the informant to be old enough. Mr. Berhane stated that in his 10 years of operation, this is the first time he has sold to a minor. Mr. Berhane also stated that his employee was pre-occupied with concerns over his family's health and safety.

The board then discussed the testimony. Mr. Conway asked to what extent the board reviews a respondent's history. Mr. McDonough explained that the board reviews a two-year history and determined that the Respondent had no prior violations over the two year review.

Following discussion, Mr. Bellamy made a motion to accept the staff's recommendation of a \$1,500 civil penalty or the option of a 7 day suspension / 30 day probation. That motion was then seconded by Mr. Perlen.

Aye: Bellamy, Conway, Perlen, Spaulding

Nay: None.

Present Not Voting: Chairman Taylor.

(30) *Nashville Palace Partners LLC, 2611 McGavock PIKE 37214, The Nashville Palace* 16-20321

ON-SALE (Dist. #15)

(Alleged violation of M.C.L 7.08.140T It is unlawful for any beer permit holder or his agent or employee to allow or engage in any criminal activity on the premises on or about February 26, 2020).

The Respondent requested to defer their hearing until March 24, 2021, due to a scheduling conflict.

Mr. Conway made a motion to accept the Respondent's request. The motion was then seconded by Mr. Perlen.

Aye: Bellamy, Conway, Perlen, Spaulding

Nay: None.

Present Not Voting: Chairman Taylor.

(31) *Donut Distillery, LLC, 311 GALLATIN AVE 37206, DONUT DISTILLERY, LLC* 19-25900

ON-SALE (Dist. #06)

(Alleged violation of M.C.L 7.08.140T It is unlawful for any beer permit holder or his agent or employee to allow or engage in any criminal activity on the premises on or about January 16, 2020).

The Respondent paid their civil penalty on January 22, 2021. The staff recommended that the board accept the civil penalty and close the case.

Mr. Bellamy made a motion to accept the staff's recommendation. The motion was then seconded by Mr. Conway.

Aye: Bellamy, Conway, Perlen, Spaulding

Nay: None.

Present Not Voting: Chairman Taylor.

(32) *Bar East, LLC, 1249 MARTIN ST 37203, PH Craft Cocktails* 19-25972

ON-SALE (Dist. #17)

(Alleged violation of M.C.L 7.08.140T It is unlawful for any beer permit holder or his agent or

employee to allow or engage in any criminal activity on the premises in violation of TCA 39-17-702 Liquor Sales to Minors on or about January 30, 2020).

SUBPOENAS: Demarcus Capehart

The Respondent pled guilty.

Special Assistant, Melvin Brown, testified on behalf of the Beer Board. SA Brown testified that the Beer Board took part in an operation coordinated with the Tennessee Alcoholic Beverage Commission (TABC). The operation took place on or about January 30, 2020. SA Brown stated that an underage informant successfully purchased beer from the Respondent business. Next, Mr. Demarcus Capehart testified on behalf of the Respondent. Mr. Capehart testified that his employee sold to the informant. Mr. Capehart testified that he re-trained his staff and that the employee faced legal consequences. Mr. Capehart testified that he paid \$1500 to the TABC following this offense.

Following some discussion, Mr. Conway made a motion to decrease the staff recommendation from \$1,000 civil penalty with the option of a 7-day suspension / 30-day probation to a \$500 civil penalty or the option of a 7 day suspension / 30 day probation. The motion was then seconded by Mr. Bellamy.

Following discussion, Mr. Bellamy made a motion to accept the staff's recommendation of a \$3,000 civil penalty or the option of a 30-day suspension / 180-day probation. That motion was then seconded by Mr. Conway.

Aye: Bellamy, Conway, Perlen, Spaulding

Nay: None.

Present Not Voting: Chairman Taylor.

Vice-Chair, Kia Jarmon, joined the meeting

(33) Doc Holliday's Nashville, LLC, 112 2ND AVE N 37201, DOC HOLLIDAY'S SALOO

19-26028

ON/OFF-SAL

(Dist. #19)

(Alleged violation of M.C.L 7.08.140C It is unlawful for any beer permit holder or his agent or employee to make or permit to be made any sale of beer to a person under twenty-one years of age on or about November 05, 2020).

The Respondent paid their civil penalty on January 22, 2021. The staff recommended that the board accept the civil penalty and close the case.

Mr. Bellamy made a motion to accept the staff's recommendation. The motion was then seconded by Mr. Conway.

Aye: Jarmon, Bellamy, Conway, Perlen, Spaulding

Nay: None.

Present Not Voting: Chairman Taylor.

(34) *Amal Mena, 3900 CLARKSVILLE PIKE 37218, JERRY'S CITGO*

19-26170

OFF-SALE

(Dist. #01)

(Alleged violation of M.C.L 7.08.140C It is unlawful for any beer permit holder or his agent or employee to make or permit to be made any sale of beer to a person under twenty-one years of age.

T.C.A 57-5-301(a)(1) prior to making a sale of beer for off-premise consumption, state law requires identification for the sale of beer on or about October 20, 2020).

M.C.L 7.08.140T It is unlawful for any beer permit holder or his agent or employee to allow or engage in any criminal activity on the premises in violation of TCA 39-17-1508. Required packaging. It is unlawful for any person to sell cigarettes or smokeless tobacco products except in the original, sealed package in which they were placed by the manufacturer that bears the health warning required by federal law on or about October 20, 2020).

Respondent's attorney asked that the matter be deferred one meeting to Wednesday, February 24th, due to a scheduling conflict. Beer Board staff made a recommendation that the board accept this request. Mr. Bellamy made a motion to accept the staff's recommendation. The motion was then seconded by Mr. Conway.

Aye: Jarmon, Bellamy, Conway, Perlen, Spaulding

Nay: None.

Present Not Voting: Chairman Taylor.

(35) *Cox Oil Company, Inc., 500 HICKORY HILLS BLVD 37189, LITTLE GENERAL #72*

20-26833

OFF-SALE

(Dist. #03)

(Alleged violation of M.C.L 7.08.140C It is unlawful for any beer permit holder or his agent or employee to make or permit to be made any sale of beer to a person under twenty-one years of age on or about January 07, 2021).

Respondent pled guilty.

Inspector Darrell Hardrick testified on behalf of the Beer Board, testifying that staff conducted a controlled underage beer buy on or about January 7, 2021. Mr. Kevin Walker represented the Respondent in this case. Mr. Walker testified that his business trains their staff and requires a passage rate of 90%. Respondent requires their clerks to check identification for each customer. Respondent further testified that this an honest mistake on the part of the employee, but he still terminated the employee, due to the company policy. Mr. Walker also testified that his company was part of the Responsible Vendor Program.

After some discussion, Mr. Conway made an initial motion to decrease the civil penalty from \$1500 down to \$1,000 or the option of a 7-day suspension / 30-day probation. This motion was then seconded by Mr. Perlen. After further discussion, Mr. Conway restated the motion to state that the civil penalty should be \$1,000 or a 7-day suspension / 30-day probation if the Respondent is not part of the Responsible Vendor Program and \$750 or a 7-day suspension / 30-day probation if the staff confirms that the Respondent is a member of the Responsible Vendor Program. Mr. Perlen then seconded the restated recommendation.

Aye: Jarmon, Bellamy, Conway, Perlen, Spaulding

Nay: None.

Present Not Voting: Chairman Taylor.

(36) EXECUTIVE DIRECTOR'S REPORT

Executive Director, Benton McDonough, discussed the current revenue report with the board and the fact that the board continues to run ahead of projections.

(37) ADJOURNMENT

Determining no further business was before the board, Chairman Taylor formally adjourned the meeting at 6:42 p.m.

