



***The Metropolitan Government of Nashville and
Davidson County...***

***Metro Beer Board
Minutes***

Meeting Date:	Wednesday– February 24, 2021 @ 5:30 P.M.
Teleconference Info:	Call: 415-655-0002 Access Code: 187 433 7652 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 5:32 p.m., Chairman Brian Taylor called the meeting to order.

*** ROLL CALL**

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

Present: Mr. William Conway, Mr. Joe Perlen, Ms. Bailey Spaulding, Ms. Delfine Fox, Chairman Brian Taylor.

Having deemed the existence of a quorum, Chairman Taylor proceeded with essential business.

(Vice chair, Kia Jarmon, 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. Perlen.

Aye: VC Jarmon, Conway, Perlen, Spaulding, Fox

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 February 11, 2021 Minutes:
 Approval By: VC Jarmon, Conway, Perlen, Spaulding, Fox
 No: N/A
 Present Not Voting: Chairman Taylor

Motion: To Accept

 First: Conway
 Second: Perlen
 Opposed: N/A

APPLICATIONS FOR APPROVAL

- | | |
|---|----------------------------------|
| <p>(3) <i>ANA PROPERTIES INC, 2402 Dickerson Pike 37207, GARIBALDI MARKET</i></p> <p>OFF-SALE (CHANGE OF OWNERSHIP)</p> | <p>T21-27064
(Dist. #05)</p> |
| <p>(4) <i>HASD, LLC, 811 Gallatin Ave 37206, TAILGATE BREWERY EAST NASHVILLE</i></p> <p>DLVRYCRBSD (OLD LOCATION)</p> | <p>T21-27034
(Dist. #06)</p> |
| <p>(5) <i>Shep's Nashville LLC, 1000 Main St 37206, SHEP'S DELICATESSEN</i></p> <p>ON/OFF-SALE (NEW LOCATION)</p> | <p>T21-27035
(Dist. #06)</p> |
| <p>(6) <i>Southern Grist Brewing Company, LLC 1201 Porter Rd 37206, SOUTHERN GRIST BREWING COMPANY</i></p> <p>DLVRYCRBSD (OLD LOCATION)</p> | <p>T21-27063
(Dist. #06)</p> |
| <p>(7) <i>Smith & Lentz Brewing Company, LLC, 903 Main St 37206, SMITH & LENTZ BREWING COMPANY, LLC</i></p> <p>DLVRYCRBSD (OLD LOCATION)</p> | <p>T21-27072
(Dist. #06)</p> |
| <p>(8) <i>Family Dollar of TN, Inc, 1152 Gallatin Pike S 37115, FAMILY DOLLAR #22297</i></p> | <p>T20-26944</p> |

OFF-SALE	(NEW LOCATION)	(Dist. #08)
(9) <i>Flag Store, LLC, 2511 Dickerson Pike 37207,</i>	FLAG STORE MARKET & VAPE	T20-27026
OFF-SALE	(CHANGE OF OWNERSHIP)	(Dist. #08)
(10) <i>NNP Royal 2 LLC, 511 Royal Pkwy 37214,</i>	FAIRFIELD INN & SUITES NASHVILLE	T19-26164
AIRPORT		
ON-SALE	(NEW LOCATION)	(Dist. #15)
(11) <i>TNFold LLC, 2408 Lebanon Pike 37214,</i>	TNFOLD LLC	T21-27069
DLVRYCRBSD	(NEW LOCATION)	(Dist. #15)
(12) <i>Sonesta International Hotels Corporation, 1100 Airport Center Dr 37214,</i>		T21-27046
SONESTA SELECT NASHVILLE AIRPORT SUITES		
ON/OFF-SALE	(NEW LOCATION)	(Dist. #15)
(13) <i>Sister Cities of Nashville, 1004 4Th Ave N 37219,</i>	SISTER CITIES OF NASHVILLE	T20-26959
SPECIAL	(SPECIAL EVENT NEW)	(Dist. #19)
	October 29, 2020	
(14) <i>Daddys Dogs Catering LLC, 5205 Centennial Blvd 37209,</i>	DADDYS DOGS	T20-26527
CATERING LLC		
CATERER	(OLD LOCATION)	(Dist. #20)

(15) *Southern Grist Brewing Company, LLC 5012 Centennial Blvd 37209, SOUTHERN* T21-27062

GRIST BREWING COMPANY

DLVRYCRBSD (OLD LOCATION) (Dist. #20)

(16) *Cost Plus, Inc., 6728 Charlotte Pike 37209, WORLD MARKET #300* T21-27068

OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #20)

(17) *Midtown Hotel Partners LLC, 109 29Th Ave N 37203, FAIRFIELD INN &* T20-26772

SUITES NASHVILLE/VANDERBILT

ON-SALE (NEW LOCATION) (Dist. #21)

(18) *831 International Investment Professional, LLC, 1722 West End Ave 37203,* T20-26945

SHAUB SHABU HOT POT & BARBECUE

ON-SALE (NEW LOCATION) (Dist. #21)

(19) *Melad Sawiers, 4037 Nolensville Pike 37211, KOTO DISCOUNT TOBACCO* T21-27061

OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #26)

(20) *Four Corners Yacht Club, Inc, 4027 Lavergne Couchville Pike 37013, FOUR* T20-26739

CORNERS MARINA

DLVRYCRBSD (OLD LOCATION) (Dist. #33)

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. Perlen seconded the motion.

Aye: VC Jarmon, Conway, Perlen, Spaulding, Fox

Nay: None.

Present Not Voting: Chairman Taylor.

DEFER INDEFINITELY

(21) <i>Grams, LLC, 632 Old Hickory Blvd W 37115</i> , GRAMS	T21-27078
ON/OFF-SALE (NEW LOCATION)	(Dist. #08)
(MISSING DOCUMENTS)	
(22) <i>JKO Enterprises, Inc, 4580 Rachels Ln 37076</i> , NATCHEZ HILLS AT THE HERMITAGE T21-27075	
ON-SALE (NEW LOCATION)	(Dist. #11)
(MISSING DOCUMENTS)	
(23) <i>JS YOUNG ENTERPRISE CORP, 989 Murfreesboro Pike 37217</i> , LA MEXICANA	T21-27074
MARKET	
OFF-SALE (CHANGE OF OWNERSHIP)	(Dist. #16)
(MISSING DOCUMENTS)	
(24) <i>BT NASHVILLE, LLC, 2102 Blair Blvd 37212</i> , BROWN'S DINER	T21-27071
ON-SALE (CHANGE OF OWNERSHIP)	(Dist. #18)
(MISSING DOCUMENTS)	
(25) <i>GB Nashville, LLC, 505 12Th Ave S 37203</i> , THE GUMBO BROS.	T21-27065
DLVRYCRBSD (NEW LOCATION)	(Dist. #19)
(MISSING DOCUMENTS)	
(26) <i>GB Nashville, LLC, 505 12Th Ave S 37203</i> , THE GUMBO BROS.	T21-27067

ON-SALE	(NEW LOCATION)	(Dist. #19)
	(MISSING DOCUMENTS)	
(27) <i>Hops and Crafts LLC, 319 12Th Ave S 37203</i> , HOPS AND CRAFTS		T21-27066
ON/OFF-SALE	(CHANGE OF OWNERSHIP)	(Dist. #19)
	(MISSING DOCUMENTS)	
(28) <i>GB Nashville, LLC, 505 12Th Ave S 37203</i> , THE GUMBO BROS.		T21-27070
CATERER		(Dist. #19)
	(MISSING DOCUMENTS)	
(29) <i>Shake Shack Tennessee LLC, 5002 Broadway Pl 37203</i> , SHAKE SHACK		T21-27073
ON-SALE	(NEW LOCATION)	(Dist. #19)
	(MISSING DOCUMENTS)	
(30) <i>Tenn South Distillery LLC, 122 3Rd Ave S 37201</i> , BIG MACHINE BREWERY & DISTILLERY		T21-27076
MNUFACTURE	(NAME CHANGE)	(Dist. #19)
	(MISSING DOCUMENTS)	
(31) <i>NAshville Dolphins, 95 White Bridge Pike 37205</i> , NASHVILLE DOLPHINS		T21-27080
SPECIAL	(SPECIAL EVENT NEW)	(Dist. #24)
	March 7, 2021	
	(MISSING DOCUMENTS)	
(32) <i>Tenn South Distillery LLC, 122 3Rd Ave S 37201</i> , BIG MACHINE BREWERY &		T21-27077

DISTILLERY

WHOLESALES

(NAME CHANGE)

(Dist. #19)

(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. Perlen seconded the motion.

Aye: VC Jarmon, Conway, Perlen, Spaulding, Fox

Nay: None.

Present Not Voting: Chairman Taylor.

REQUEST TO WITHDRAW

(33) *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)

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. Perlen seconded the motion.

Aye: VC Jarmon, Conway, Perlen, Spaulding, Fox

Nay: None.

Present Not Voting: Chairman Taylor.

TRIALS

(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.

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: 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)

COMPLAINANTS: Special Assistant to the Director Melvin S. Brown Jr

Metropolitan Beer Permit Inspector II Douglas James Jr

Metropolitan Beer Permit Inspector I Darrell Hardrick

SUBPOENA: Amal S. Mena

Wael G. Kaldes

PRIOR VIOLATIONS: BBM 11/7/19: 7.08.140C -Beer Sales to Minor; \$1500 CP Pd 11/19/19

STAFF RECOMMENDATION: \$3750 Civil Penalty or 21 Day Suspension and 120 Day Probation

2/23/21 Attorney Request to Defer One Meeting - Email received from Attorney Cleveland Bain requesting to defer the hearing one meeting due to a calendar error on their part.

Counsel for the Respondent requested an additional deferral, due to a misunderstanding and scheduling conflict. Mr. Conway made a motion to defer the hearing to Thursday, March 11, 2021. That motion was then seconded by Mr. Perlen.

Aye: VC Jarmon, Conway, Perlen, Spaulding, Fox

No: N/A

Present Not Voting: Chairman Taylor

(35) Punjab, Inc., 2804 West End AVE 37203, Kwik Sak #625

06-16191

OFF-SALE

(Dist. #21)

(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 December 28, 2020).

COMPLAINANTS: Special Assistant to the Director Melvin S. Brown Jr

Metropolitan Beer Permit Inspector II Douglas James Jr

Metropolitan Beer Permit Inspector I Darrell Hardrick

SUBPOENA: Ashok Kumar

Surath Sengupta

PIOR VIOLATIONS: BBM 3/14/19: 7.08.140C – Beer Sales to Minor; \$2500 CP Pd 3/29/19

BBM 11/5/20: 7.08.140C – Beer Sales to Minor; \$2500 CP Pd 12/3/20

**BBM 1/14/21: 7.08.140C – Beer Sales to Minor and 57-5-301(a)(1) - ID Required
\$3000 CP Pd 2/2/21**

STAFF RECOMMENDATION: 30 Day Suspension and 180 Probation

It was determined that the business owner was not subpoenaed as originally believed. Vice Chair Jarmon made a motion to defer the hearing one meeting to Thursday, March 11th, to enable the staff to subpoena the business owner. That motion was then seconded by Mr. Conway.

Aye: VC Jarmon, Conway, Perlen, Spaulding, Fox

No: N/A

Present Not Voting: Chairman Taylor

(36) *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 In violation of MPHD Order #12 of the Chief Medical Officer, by operating after hours, not observing the mask mandate and not practicing social distancing protocols which are also violations of state criminal statute: TCA 68-2-602, on or about December 05, 2020).

COMPLAINANTS: Special Assistant to the Director Melvin S. Brown Jr

Metropolitan Beer Permit Inspector II Douglas James Jr

Metropolitan Beer Permit Inspector I Darrell Hardrick

SUBPOENA: Julio Arias Sicilia

NO PREVIOUS VIOLATIONS

STAFF RECOMMENDATION: \$3000 Civil Penalty or 7 Day Suspension and 30 Day Probation

The Respondent pleaded “not guilty” to the charges alleged in the complaint. Hugh Atkins, a representative from the Metro Public Health Department, testified in the matter. Mr. Atkins testified that on December 5, 2020, personnel from the Beer Board, Public Health Department, and Metro Police Department were conducting checks to make sure permit holders were adhering to Public Health Orders 11:00 p.m. curfew. Mr. Atkins testified that the curfew was 11:00 p.m., but that they discovered up to 50 people on the premises after midnight. Melvin Brown, a Special Assistant to the Executive Director of the Metro Beer Board, testified that he was on location and that it took some time for the personnel to gain entry to the location. Mr. Brown testified that he too witnessed a number of people on premises past the required curfew.

Board Member, Delfine Fox, recused herself from this particular matter in order to provide Spanish interpreter services to the Respondent.

Respondent, Julio Arias Sicilia, testified that he was unaware of the curfew and that there was a private party on the premises, but the business was closed to the public at that time. Further, the Respondent testified that there was some fear at the sight of the government personnel outside of his business.

Mr. Conway made a motion to sustain the complaint. That motion was then seconded by Mr. Perlen.

Aye: Conway, Perlen, Spaulding

No: VC Jarmon

Present Not Voting: Chairman Taylor

Recusal: Fox

Mr. Conway then made a motion for a reduced \$1500 civil penalty or a seven-day suspension followed by 30 day probation. That motion was seconded by Mr. Perlen.

Aye: Conway, Perlen, Spaulding

No: VC Jarmon

Present Not Voting: Chairman Taylor

Recusal: Fox

(37) *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, in violation of MPHD Order #12 of the Chief Medical Officer, by operating after hours, which is also a violation of state criminal statute. 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 on or about November 09, 2020).

COMPLAINANTS: Special Assistant to the Director Melvin S. Brown Jr

Metropolitan Beer Permit Inspector II Douglas James Jr

Metropolitan Beer Permit Inspector I Darrell Hardrick

SUBPOENA: Athrea Shlemon,

Marina Shlemon

NO PREVIOUS VIOLATIONS

Respondent pleaded “Not Guilty” to the charges.

VC Jarmon made a motion to dismiss the complaint. That motion was seconded by Mr. Conway. (*see testimony below)

Aye: VC Jarmon, Conway, Perlen, Spaulding, Fox

No: N/A

Present Not Voting: Chairman Taylor

(38) *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, in violation of MPHD Order #12 of the Chief Medical Officer, by operating after hours, which is also a violation of state criminal statute. 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. on or

about November 23, 2020).

Complainants: Special Assistant to the Director Melvin S. Brown Jr

Metropolitan Beer Permit Inspector II Douglas James Jr

Metropolitan Beer Permit Inspector I Darrell Hardrick

SUBPOENA: Athrea Shlemon

Marina Shlemon

NO PREVIOUS VIOLATION

Respondent pleaded "Not Guilty" to the charges.

VC Jarmon made a motion to dismiss the complaint. That motion was seconded by Mr. Conway. (*see testimony below)

Aye: VC Jarmon, Conway, Perlen, Spaulding, Fox

No: N/A

Present Not Voting: Chairman Taylor

(39) *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, in violation of MPHD Order #12 of the Chief Medical Officer. **Patrons were observed without mask and not practicing social distancing**, which is also a violation of state criminal statute. 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 on or about December 6, 2020).

COMPLAINANTS: Special Assistant to the Director Melvin S. Brown Jr

Metropolitan Beer Permit Inspector II Douglas James Jr

Metropolitan Beer Permit Inspector I Darrell Hardrick

SUBPOENA: Athrea Shlemon,

Marina Shlemon

NO PREVIOUS VIOLATIONS

STAFF RECOMMENDATION: \$2000 Civil Penalty or 7 Day Suspension and 30 Day Probation

Respondent pleaded "Not Guilty" to the charges.

*Respondent testified that she was not present for the first matter, but was of the understanding that no citation was ever issued. Mr. Atkins, representing the Metro Public Health Department, testified that he was not present for the first violation. Mr. Atkins testified that the Respondent was found to be in violation of the curfew. Mr. Brown testified that he was not present for the first complaint, but did believe a citation was issued that evening. Mr. Atkins testified that the Respondent was again found to be in violation of the curfew the second time. Mr. Atkins testified that the department personnel were on premises at 11:45 when curfew was 11:00 p.m. The Respondent testified that their clock was approximately one hour behind and that they were unaware that they were operating beyond curfew. Mr. Atkins testified that well over 100 people were on premises when the location was capped at 80 and they were operating beyond curfew.

VC Jarmon made a motion to sustain the complaint. That motion was seconded by Mr. Perlen.

Aye: VC Jarmon, Conway, Perlen, Spaulding, Fox

No: N/A

Present Not Voting: Chairman Taylor

Mr. Conway then made a motion for a \$1,000 civil penalty or 7-day suspension and 30-day probation.

Aye: VC Jarmon, Conway, Perlen, Spaulding, Fox

No: N/A

Present Not Voting: Chairman Taylor

(40) ADMINISTRATIVE MATTERS

(41) EXECUTIVE DIRECTORS REPORT

Mr. McDonough updated the board members as to the current status of revenue collected by the board year-to-date.

(42) ADJOURNMENT

Having determined no further business was pending before the board, Chairman Taylor adjourned

the meeting at 7:50 p.m.

