



The Metropolitan Government of Nashville and Davidson County...

Metro Beer Board Minutes

Meeting Date/Location:	Wednesday– May 26, 2021 @ 5:30 P.M. Development Service Center Conference Room 800 Second Avenue South, 1 st Floor
------------------------	-------------------------------------------------------------------------------------------------------------------------------------

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 5:33 p.m., Chairman Taylor called the meeting to order.

*** 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 May 13, 2021 Minutes:

Mr. Perlen made a motion to accept the Minutes from May 13, 2021, in their current form. That motion was then seconded by Mr. Conway. The board then voted unanimously to approve the Minutes.

Signature of Chairman _____

Motion: To approve.

First: Mr. Perlen

Second: Mr. Conway

Opposed: No opposition

APPLICATIONS FOR APPROVAL

- | | |
|------------------------------------------------------------------------|-------------|
| (1) <i>7-Eleven Inc., 3200 Clarksville Pike 37218, 7-ELEVEN 41044H</i> | T21-27133 |
| OFF-SALE (NAME CHANGE) | (Dist. #02) |
| (2) <i>Ali Zaher, 3002 Clarksville Pike 37218, CLOUDY VIBEZ</i> | T21-27218 |
| OFF-SALE (NAME CHANGE) | (Dist. #02) |
| (3) <i>Empire Retail, Inc, 2202 Dickerson Pike 37207, QUICK MART</i> | T20-27013 |
| OFF-SALE | (Dist. #05) |

(4) <i>Rhizome Productions Inc., 700 Woodland St 37206</i> , Nashville Helping Nashville	T21-27221
SPECIAL (SPECIAL EVENT NEW)	(Dist. #06)
May 30, 2021	
(5) <i>Friends of Shelby Park and Bottoms, 700 Woodland St 37206</i> , FRIENDS OF SHELBY PARK	T21-27229
SPECIAL (SPECIAL EVENT NEW)	(Dist. #06)
July 4, 2021	
(6) <i>Soho Madison LLC, 271 Gleaves St 37072</i> , SOHO MADISON LLC	T21-27180
ON-SALE	(Dist. #10)
(7) <i>7-Eleven Inc., 2802 Nolensville Pike 37211</i> , 7-ELEVEN 41083H	T21-27143
OFF-SALE (NAME CHANGE)	(Dist. #16)
(8) <i>Rock Bottom Group LLC, 111 Broadway 37201</i> , ROCK BOTTOM RESTAURANT & BREWERY #4202 (RESTAURANT)	T20-26867
ON/OFF-SALE (CHANGE OF OWNERSHIP)	(Dist. #19)
(9) <i>Rock Bottom Group LLC, 111 Broadway #400 37201</i> , ROCK BOTTOM RESTAURANT & BREWERY (ROOFTOP)	T20-26871
ON/OFF-SALE (CHANGE OF OWNERSHIP)	(Dist. #19)
(10) <i>Blanco 5B Nashville LLC, 530 Broadway 37203</i> , BLANCO TACOS + TEQUILA	T21-27041
ON-SALE (NEW LOCATION)	(Dist. #19)

(11) <i>ESQ Germantown LLC, 1121 5Th Ave N 37208</i> , EMMY SQUARED	T21-27145
ON/OFF-SALE (NEW LOCATION)	(Dist. #19)
(12) <i>Pacific Heritage Inn of Nashville, LLC, 350 22Nd Ave N 37203</i> , STAYBRIDGE SUITES NASHVILLE - MIDTOWN	T21-27057
ON-SALE (NEW LOCATION)	(Dist. #21)
(13) <i>Radish Hospitality, LLC, 4101 Charlotte Ave #G10 37209</i> , RADISH KITCHEN	T20-26924
ON-SALE (NEW LOCATION)	(Dist. #24)
(14) <i>7-Eleven Inc., 4112 Hillsboro Pike 37215</i> , 7-ELEVEN 41068H	T21-27137
OFF-SALE (NAME CHANGE)	(Dist. #25)
(15) <i>Nashville Zoo, Inc., 3777 Nolensville Pike 37211</i> , Brew At The Zoo	T21-27175
SPECIAL (SPECIAL EVENT OLD)	(Dist. #26)
June 4, 2021	
(16) <i>Z-Bar, LLC, 3955 Nolensville Pike 37211</i> , Z-BAR	T21-27199
ON-SALE (EXPANSION)	(Dist. #26)
(17) <i>7-Eleven Inc., 2664 Smith Springs Rd 37217</i> , 7-ELEVEN 41081H	T21-27141
OFF-SALE (NAME CHANGE)	(Dist. #29)

(18) *Jolily2019 LLC, 7050 Charlotte Pike 37209, WAYBACK BURGER NASHVILLE* T21-27231
ON/OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #35)

(19) *Jolily2019, 7050 Charlotte Pike 37209, WAYBACK BURGER NASHVILLE* D21-27230
DLVRYCRBSD (CHANGE OF OWNERSHIP) (Dist. #35)

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. The board then voted unanimously to grant final approval.

DEFER INDEFINITELY

(20) *L&D Hospitality, LLC, 410 Dominican Dr 37228, HOME2 SUITES BY HILTON* T21-27238
ON-SALE (NEW LOCATION) (Dist. #02)
(MISSING DOCUMENTS)

(21) *Butcher & Bee East Nashville, LLC, 902 Main St 37206, BUTCHER & BEE EAST* T21-27225
NASHVILLE
ON-SALE (EXPANSION) (Dist. #06)
(MISSING DOCUMENTS)

(22) *7-Eleven Inc., 5430 Old Hickory Blvd 37076, 7-ELEVEN 41072H* T21-27236
OFF-SALE (NAME CHANGE) (Dist. #11)
(MISSING DOCUMENTS)

(23) *7-Eleven Inc., 4601 Lebanon Pike 37076, 7-ELEVEN 41071H* T21-27237

OFF-SALE	(NAME CHANGE)	(Dist. #11)
	(MISSING DOCUMENTS)	
(24) <i>Homegrown Taproom & Marketplace, 2720 Old Lebanon Pike #107 37214,</i>		D21-27216
HOMEGROWN TAPROOM & MARKETPLACE		
ON/OFF-SALE	(EXPANSION)	(Dist. #15)
	(MISSING DOCUMENTS)	
(25) <i>Father Ryan Highshcool Inc, 18 Springhouse Lane 37214,</i> LOU GRAHAM		T21-27227
ALUMNI GOLF TOURNAMENT		
SPECIAL	(SPECIAL EVENT NEW)	(Dist. #15)
	June 4, 2021	
	(MISSING DOCUMENTS)	
(26) <i>KOMORIDA NGUYEN NASHVILLE LLC, 2127 Belcourt Ave 37212,</i> SHOKKU RAMEN		T21-27220
ON-SALE		(Dist. #18)
	(MISSING DOCUMENTS)	
(27) <i>Bottle Cap Ventures, LLC, 2403 12Th Ave S 37204,</i> BOTTLE CAP		T21-27226
ON-SALE	(EXPANSION)	(Dist. #18)
	(MISSING DOCUMENTS)	
(28) <i>CT Nashville, LLC, 308 Broadway 37201,</i> CASA ROSA		D21-27223
ON-SALE	(NAME CHANGE)	(Dist. #19)
	(MISSING DOCUMENTS)	

(29) PRIMINGS CIGAR LOUNGE AND BAR, LLC, 701 4Th Ave S 37210, **PRIMINGS** T21-27232

CIGAR BAR & LOUNGE

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

(30) Slim + Husky's Fifth & Broadway LLC, 5056 Broadway Pl 37203, **SLIM +** T21-27233

HUSKY'S FIFTH & BROADWAY LLC

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

(31) W Hotel Management, Inc., 300 12Th Ave S 37203, **W NASHVILLE (ROOFTOP)** T21-27234

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

(32) Kien Giang Restaurant LLC, 5825 Charlotte Pike 37209, **KIEN GIANG** T21-27224

RESTAURANT

ON-SALE (CHANGE OF OWNERSHIP) (Dist. #20)
(MISSING DOCUMENTS)

(33) Neighbors Sylvan Park, 4425 A Murphy Rd 37209, **NEIGHBORS SYLVAN PARK** T21-27235

SPECIAL (SPECIAL EVENT NEW) (Dist. #24)

June 19, 2021

(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. The board then voted unanimously to defer the applicants indefinitely.

REQUEST TO WITHDRAW

(34) *Nashville Food Hall, LLC, 5055 Broadway Pl 37203, THE ASSEMBLY FOOD*

T21-27054

HALL (NORTH FOOD HALL)

ON-SALE

(NEW LOCATION)

(Dist. #19)

Chairman Taylor read the application recommended for formal withdraw by staff. Mr. Conway made a motion to accept the staff's recommendation for formal withdraw of the aforementioned applicants. Ms. Fox seconded the motion. The board then voted unanimously to grant formal withdraw.

TRIALS

(35) *404 Bar and Grill, 404 Elysian Fields RD 37211, 404 Bar and Grill*

14-19878

ON-SALE

(Dist. #26)

(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 March 23, 2021).

5/20/21 Permit Holder Request to Defer

Staff Next Hearing Date Wednesday, 6/23/21, at 5:30 P.M

Mr. Conway made a motion to defer this hearing until the next hearing date of June 23, 2021. His motion was then seconded by Mr. Perlen. The board then voted unanimously to defer the matter until June 23, 2021, at 5:30 p.m.

(36) *404 Bar and Grill, 404 Elysian Fields RD 37211, 404 Bar and Grill*

14-19878

ON-SALE

(Dist. #26)

(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 April 3, 2021).

5/20/21 Permit Holder Request to Defer

Staff Next Hearing Date Wednesday, 6/23/21, at 5:30 P.M

Mr. Conway made a motion to defer this hearing until the next hearing date of June 23, 2021. His motion was then seconded by Mr. Perlen. The board then voted unanimously to defer the matter until June 23, 2021, at 5:30 p.m.

(37) 7-Eleven, Inc., 15007 OLD HICKORY BLVD 37211, TIGERMARKET #41079H

17-25243

OFF-SALE

(Dist. #27)

(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.

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 March 16, 2021; to wit: 39-17-1504. Sale or distribution to underage persons unlawful — Proof of age requirement. Effective on January 1, 2021.

(a) It is unlawful for any person to sell or distribute any tobacco, smoking hemp, or vapor product to another person who has not attained twenty-one (21) years of age or to purchase a tobacco, smoking hemp, or vapor product on behalf of such person under twenty-one (21) years of age.

COMPLAINANT: Metropolitan Beer Permit Inspector II Douglas James Jr.

Metropolitan Ber Permit Inspector I Darrell Hardrick

Special Assistant to the Director Melvin S Brown Jr

SUBPOENA: Don Poplar (Area Lead)

Deavanah Null (Clerk)

PRIOR VIOLATION: No priors

STAFF RECOMMENDATION: \$2500 Civil Penalty or 7 Day Suspension and 30 Day Probation

The Respondent in this matter plead guilty to sale of beer to an underage informant on or about March 16, 2021. Inspector James testified that at approximately 3:30 p.m. on that date, the underage informant entered the premises and successfully purchased beer and cigarettes. The clerk asked for and reviewed the informant's identification, but still sold. The manager, Mr. Don Poplar, did not dispute the facts as presented by Inspector James. Respondent stated that the clerk (who was present for the hearing) was fired at that moment. Additionally, Mr. Poplar stated that the entire staff at that location received an additional round of training for underage sales as well as the entire staff at the other thirteen (13) stores he manages. Further, the staff received training pertaining to the change in minimum age required to purchase cigarettes. As of January 1, 2021, an individual must be twenty-one (21) years of age to legally purchase cigarettes and / or other tobacco products, which was an increase from the previous eighteen (18) years of age. The entire staff was trained on that pending change in August 2020, but received additional training following this sale.

Following the testimony and discussion by the board, Mr. Conway made a motion to lower the recommended civil penalty from \$2500 down to \$1500. Mr. Conway stated that he considered the fact that the Respondent took responsibility and plead guilty to the charges, he re-trained his staff at the offending store, and took the time to re-train his staff at the remaining thirteen (13) stores he manages. Mr. Conway's motion was then seconded by Ms. Fox. The board then voted unanimously to approve Mr. Conway's motion.

(38) ADMINISTRATIVE MATTERS

N/A

(39) EXECUTIVE DIRECTORS REPORT

Mr. McDonough updated the board on the current status of revenue for the year.

(40) ADJOURNMENT

Having determined that no further business was before the board, Chairman Taylor adjourned the meeting at 5:59 p.m.

