

**MINUTES FOR THE METROPOLITAN BEER PERMIT BOARD MEETING
WEDNESDAY MARCH 22, 2017
SONNY WEST CONFERENCE ROOM
HOWARD OFFICE BUILDING, 700 SECOND AVENUE SOUTH**

BOARD MEMBERS:

Ms. Anne Arney, Chairperson
Mr. Brian Taylor, Vice Chairperson
Ms. Jessica Van Dyke
Mr. Jack Davis
Ms. Telisha Cobb
Ms. Kia Jarmon
Ms. Macy Amos, Attorney

The meeting was called to order by Ms. Arney.

(1) Announcements:

Ms. Arney announced the notice of appeal process, in accordance with M.C.L. Section 2.68.030.

(2) Minutes

Mr. Taylor made the motion to approve the minutes of the March 9, 2017 meeting.
Mr. Davis seconded. The motion was approved unanimously.

Pursuant to a general discussion, Mr. Davis made the motion to grant the following permits. Ms. Jarmon seconded. The motion was approved unanimously.

(4) *City House Corporation*, 1222 Fourth Avenue North, **City House Corp**
ON-SALE (NEW LOCATION) (Dist. #19)

(5) *Voodoo Gumbo, LLC*, 7114 Highway 70 South, Suite 109, **Voodoo Gumbo**
ON-SALE (NEW LOCATION) (Dist. #22)

(11) *Nashville Area Chamber of Commerce*, 272 Broadmoor Drive, **Business After Hours**
ON-SALE (NEW LOCATION) (Dist. #8)
(SPECIAL EVENT – APRIL 4, 2017)

(12) *The Clubhouse Sports Bar and Grill, LLC*, 271 Gleaves Street, Parking Lot, **Bike Night**
ON-SALE (NEW LOCATION) (Dist. #10)
(SPECIAL EVENT – APRIL 13, 20, 21, 22 & 27; MAY 4, 5, 6, 11, 18, 19, 20 & 25;
JUNE 1, 2, 3, 8, 15, 22, 23, 24 & 29; JULY 6, 7, 8, 13, 20, 21, 22 & 27, 2017)

(15) *Farm2table, LLC*, 209 Third Avenue North, **Sea Salt**
ON-SALE (NEW LOCATION) (Dist. #19)

(19) *Nashville Manager, LLC*, 221 Second Avenue North, **21c Museum Hotel Nashville**
ON-SALE (NEW LOCATION) (Dist. #19)

(24) *Antioch Neighborhood Beer & Tobacco, LLC*, 1135 Bell Road, Suite 316, **Antioch Neighborhood Beer & Tobacco, LLC**
OFF-SALE (NEW LOCATION) (Dist. #32)

The following applications were presented to the Board:

(3) *Headquarters Tennessee, LLC*, 114 Second Avenue South, **Headquarters Beercade**
ON-SALE (NEW LOCATION) (Dist. #19)

At the request of the applicant, and without objection, the application was deferred to April 26, 2017.

(6) *RRJ Restaurant SP, LLC*, 132 46th Avenue North, **Answer Restaurant**
ON-SALE (NEW LOCATION) (Dist. #24)
Ms. Arney abstained from any discussion on this application. Mr. Will Cheek, attorney, was present to represent the applicant and requested that this permit be granted, to be issued upon presentation of missing documents. Ms. Victoria Rothberg was also present, and informed the Board that she and Council Member Kathleen Murphy had spoken with neighbors concerning their support or opposition to this restaurant. She stated that this location would close the door by 10:00 p.m. each day, as agreed with neighbors and with the Zoning Board. Ms. Rothberg also stated that she brought with her a 14-page petition in support of the beer permit for this restaurant. No one was present to speak in opposition to this application. Following a general discussion, Mr. Davis made the motion to grant the permit, to be issued upon presentation of the applicant's Health Department approval and Use & Occupancy permit. Ms. Cobb seconded. The motion was approved unanimously.

(7) *Café Madera, LLC*, 3961A Nolensville Pike, **Café Madera**
ON-SALE (NEW LOCATION) (Dist. #26)

At the request of the applicant, and without objection, the application was deferred to April 13, 2017.

(8) *Café Madera, LLC*, 3961A Nolensville Pike, **Café Madera**
CATERER (NEW LOCATION) (Dist. #26)

At the request of the applicant, and without objection, the application was deferred to April 13, 2017.

(9) *Joselitto Carnes Asadas, Inc.*, 895 Bell Road, **Maria Bonita Mexican Restaurant**

ON-SALE (NAME CHANGE) (Dist. #32)

At the request of the applicant, and without objection, the application was deferred to April 13, 2017.

(10) *Attaboy Nashville, LLC*, 8 McFerrin Avenue, **Attaboy**

ON-SALE (NEW LOCATION) (Dist. #6)

At the request of the applicant, and without objection, the application was deferred to April 13, 2017.

(13) *Yazoo Brewing Company, Inc.*, 1871 Elm Tree Drive, **Yazoo Funkfest**

ON-SALE (NEW LOCATION) (Dist. #15)

(SPECIAL EVENT – MAY 6, 2017)

At the request of the applicant, and without objection, the application was deferred to April 13, 2017.

(14) *Grandesign Media Services*, 1917 Broadway, **Zappos.com – Friends with Benefit Tour**

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

(SPECIAL EVENT – MARCH 24, 25 & 26, 2017)

At the request of the applicant, and without objection, the application was withdrawn.

(16) *Rudy's Jazz Room, LLC*, 809 Gleaves Street, **Rudy's Jazz Room**

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

At the request of the applicant, and without objection, the application was deferred to April 13, 2017.

(17) *Restaurant Lulu, LLC*, 313 Jefferson Street, **Lulu**

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

At the request of the applicant, and without objection, the application was deferred to April 13, 2017.

(18) *Casa de Montecristo – TN, LLC*, 600 Ninth Avenue South, Suite 130, **Casa de Montecristo**

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

At the request of the applicant, and without objection, the application was deferred to April 13, 2017.

(20) *Good Time, LLC*, 421 Broadway, **AJ's Good Time Bar**
ON-SALE (NEW LOCATION – EXPANSION) (Dist. #19)

Ms. Arney abstained from any discussion on this application. Mr. Will Cheek, attorney, was present to represent the applicant and requested that the application be granted, to be issued upon presentation of missing documents. Ms. Debbie Doebler and Mr. Matt Hayes were also present. Mr. Cheek stated that this location is not yet ready to open, but plans to open on April 7, 2017 and that they will send an e-mail blast to Alan Jackson's fan club to announce the opening. Ms. Jarmon reminded Mr. Cheek that this location had previously requested to have a permit granted because of publicity. Ms. Van Dyke stated that Ms. Jarmon had a valid point, and that requests like this may put additional stress on the office staff. Following a general discussion, Mr. Davis made the motion to grant the permit, to be issued upon presentation of the applicant's Health Department approval, Fire Marshal approval and Inspection of Business. Ms. Cobb seconded. Mr. Davis, Mr. Cobb and Ms. Van Dyke voted aye. Ms. Jarmon abstained. The motion carried.

(21) *MHF West End Operating V, LLC*, 1913 Hayes Street, **Hayes Street Hotel**
ON-SALE (NEW LOCATION) (Dist. #21)

Ms. Arney abstained from any discussion on this application. Mr. Rob Pinson, attorney, was present to represent the applicant and requested that the application be granted, to be issued upon presentation of missing documents. He informed the Board that this location plans to open on April 3, 2017. Following a general discussion, Mr. Davis made the motion to grant the permit, to be issued upon presentation of the applicant's Health Department approval, Fire Marshal approval and Inspection of Business. Ms. Cobb seconded. The motion was approved unanimously.

(22) *Premier Meats, Inc.*, 3709 Nolensville Pike, **Carniceria Dominguez**
OFF-SALE (NEW LOCATION) (Dist. #26)

At the request of the applicant, and without objection, the application was deferred indefinitely.

(23) *Casa Grande, LLC*, 938 Richards Road, **Casa Grande**
ON-SALE (NEW LOCATION) (Dist. #28)

Following a general discussion, Ms. Van Dyke made the motion to grant the permit, to be issued upon presentation of the applicant's Fire Marshal approval and Zoning approval. Ms. Jarmon seconded. The motion was approved unanimously.

The following discussions were presented to the Board:

(25) *Rajdhani Groceries and Café, LLC*, 5604 Nolensville Pike, **Rajdhani Groceries and Café**

OFF-SALE

(NEW LOCATION)

(Dist. #27)

No one was present to represent the applicant. The Board briefly discussed that the permit for this location was granted before the inspection was conducted. During the inspection, it was determined that this location was within one hundred (100) feet of a church. The Board briefly discussed a letter requesting to defer the discussion on this application to April 26, 2017. Ms. Van Dyke made the motion to defer the application to April 26, 2017. Ms. Jarmon seconded. The motion was approved unanimously.

(26) *Thorntons, Inc.*, 13000 Old Hickory Boulevard, **Thorntons**

OFF-SALE

(NEW LOCATION)

(Dist. #33)

The Board discussed that this permit was granted on February 22, 2017 with the address 13010 Old Hickory Boulevard. Before the permit was issued, the address was changed by Public Works to 13000 Old Hickory Boulevard. Following a brief discussion, Ms. Van Dyke made the motion to grant the permit, to be issued upon amendment of the address. Ms. Jarmon seconded. The motion was approved unanimously.

The following trials were presented to the Board:

(27) *First Stop Corp.*, 508 Old Hickory Boulevard, **First Stop Market**

OFF-SALE

(Dist. #11)

Alleged violation of M.C.L. Section 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 T.C.A. Section 39-14-103 on or about May 26, 2016. Mr. Adam Dread, attorney, was present to represent the applicant and informed the Board that there have been no findings in criminal court yet. Metropolitan Police Detective Almore Thompson, Mr. Glen Alred, Mr. Ashraf Ibrahim and Metropolitan Beer Permit Inspector III Terrence Darby were also present. Following a general discussion concerning the status of this case in criminal court, Mr. Dread requested to defer this hearing for two months. Ms. Van Dyke made the motion to defer the hearing to May 24, 2017. Ms. Jarmon seconded. The motion was approved unanimously.

(28) *Piranha Restaurants 3rd Ave, LLC*, 174 Third Avenue North, **Piranha's Bar and Grill**

ON-SALE

(Dist. #19)

Alleged violation of M.C.L. Section 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 27, 2016. Mr. Mike Hanlin was present to represent the applicant and pleaded guilty. Metropolitan Police Detective John Gilpin and Metropolitan Beer Permit Inspector III Terrence Darby were also present to testify. All witnesses were sworn. Based upon the guilty plea, the citation was sustained. Following a general discussion and testimony presented to the Board concerning remedial measures taken, Mr. Davis made the motion for a fourteen (14) day suspension followed by a ninety (90) day period of probation, with the option of paying a one thousand five hundred (\$1500) dollar civil penalty in lieu of the suspension. Ms. Jarmon seconded. The reduction from the standard civil penalty for this violation was based upon remedial measures taken by the permit holder, including having the server re-take the TIPS training course, having all employees who handle alcohol trained through the TIPS course, and Mr. Hanlin's stated intention to join the Responsible Vendor program. The Board discussed holding the civil penalty in abeyance until Mr. Hanlin provides documentation showing that all eight employees who handle alcohol have completed the training course. Ms. Amos advised the Board that Metro boards and commissions do not hold funds in this manner. Ms. Arney stated that sanctions on this violation can be deferred to a later date. Following a general discussion, Mr. Davis withdrew his motion. Ms. Jarmon withdrew her second. Ms. Van Dyke made the motion to defer the issuance of a penalty until April 26, 2017, to allow the owner to provide proof that everyone serving alcohol has been through training. Ms. Cobb seconded. The motion was approved unanimously. Ms. Amos advised that, due to the guilty plea and that the citation was sustained, Detective Gilpin would not need to be subpoenaed for this meeting.

(29) *B&U Foods, LLC*, 4580 Rachels Lane, **The Kitchen Cabinet**

ON-SALE

(Dist. #11)

Alleged violation of M.C.L. Section 7.08.180 no person, except an authorized wholesaler, may sell or store beer within the metropolitan government area unless such beer has been purchased from an authorized wholesaler on or about February 1, 2017. Mr. Bakhodir Ernazarov was present to represent the applicant and pleaded guilty. Metropolitan Beer Permit Inspector I Edward Green and Metropolitan Beer Permit Inspector III Terrence Darby were also present to testify. All witnesses were sworn. Based upon the guilty plea, the citation was sustained. Mr. Ernazarov stated that he now understands the beer laws, and requested a reduction from the standard civil penalty because his business was very slow. Following a general discussion, Mr. Davis made the motion for a seven (7) day suspension followed by a thirty (30) day period of probation, with the option of paying a two hundred fifty (\$250) dollar civil penalty in lieu of the suspension. Ms. Jarmon seconded. The motion was approved unanimously. Ms. Arney stated that the civil penalty was reduced because the owner is now in compliance. The suspension will begin March 29, 2017.

(30) *TDT, LLC*, 1401 Fourth Avenue South, **Tin Dog Tavern**

ON-SALE

(Dist. #17)

Alleged violation of M.C.L. Section 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 3, 2016. Ms. Arney abstained from any discussion on this hearing. Mr. Will Cheek, attorney, was present to represent the applicant and pleaded guilty. The Board briefly discussed a request from ABC agents, requesting that the hearing be deferred. Mr. Cheek stated that he would not object to the hearing being deferred, but that he will not contest the charges and is ready to move forward at this time. Following a brief discussion that testimony from the ABC agents is not necessary due to the guilty plea, the Board proceeded with the hearing. Mr. Sean Clem was present to testify, and was sworn in. Based upon the guilty plea, the citation was sustained. Mr. Clem stated that this is the second violation of selling to a minor by the same bartender, and that she is still employed at this location but no longer serves alcohol. He also stated that bartenders were not re-trained through ABC following this incident, but have been trained in the past. Mr. Cheek stated that he had spoken with the staff concerning Red Box training, giving more scrutiny to under 21 IDs. Following a general discussion and testimony presented to the Board, Ms. Van Dyke made the motion for a twenty-one (21) day suspension followed by a one hundred eighty (180) day period of probation, with the option of paying a two thousand five hundred (\$2500) dollar civil penalty in lieu of the suspension. Ms. Jarmon seconded. Ms. Van Dyke, Ms. Jarmon and Mr. Davis voted aye. Ms. Cobb voted nay. The motion carried. The suspension will begin March 29, 2017.

(31) *TDT, LLC*, 1401 Fourth Avenue South, **Tin Dog Tavern**

ON-SALE

(Dist. #17)

Alleged violation of M.C.L. Section 7.08.230C a permit shall be valid only for the owner to whom the permit is issued and cannot be transferred to another owner. Should the ownership of a location change, the new owner shall apply for a new permit in accordance with Article I of Chapter 7.08. If the owner is a corporation, a change in ownership shall occur when control of at least fifty percent of the stock of the corporation is transferred to a new owner on or about April 4, 2015 and ongoing. Ms. Arney abstained from any discussion on this hearing. Mr. Will Cheek, attorney, was present to represent the applicant and pleaded not guilty. Mr. Sean Clem was also present to testify. All witnesses were sworn. The Board discussed documents obtained from the ABC showing that Mr. Clem purchased his partners' shares in the business and is now the sole owner. Mr. Cheek informed the Board that Mr. Clem has purchased the 25% of the business owned by Mr. Nathan Colburn and that he intends to purchase the 37.5% owned by Mr. Darrell Clem, but that the transaction is not completed as the landlord will not remove Mr. Darrell Clem from the lease, so a new beer permit application has not been required. Following a general discussion concerning the ownership status, Ms. Van Dyke made the motion to dismiss the citation, with the understanding that the violation can be brought back before the Board if the application is not amended to show the correct ownership or a new application filed. Ms. Jarmon seconded. The motion was approved unanimously. Mr. Cheek stated that he would provide the office an amendment to the application to show the current ownership structure and would file a new application once the transaction between Mr. Sean Clem and Mr. Darrell Clem is complete.

Mr. Cheek requested that the Board authorize a temporary beer permit to be issued to this location once the new application is filed if there is still an outstanding violation. The Board briefly discussed Rule No. 41, as it applies to temporary permits issued to locations with unresolved violations.

(32) *Cantina Laredo Columbus/Nashville, LP*, 592 12th Avenue South, **Cantina Laredo**

ON-SALE

(Dist. #19)

Alleged violation of M.C.L. Section 7.08.110 for any violation of any provision of state law regulating the sale, storage and transportation of alcoholic beverages in violation of T.C.A. 57-4-203(b)(1)(A) on or about January 26, 2017. Ms. Arney abstained from any discussion on this hearing. Mr. Will Cheek, attorney, was present to represent the applicant and pleaded guilty. The Board briefly discussed a request from ABC agents, requesting that the hearing be deferred. Mr. Cheek informed the Board that this location has closed, the beer permit has been surrendered, and the company has no plans to open in the Nashville market anytime soon. Following a brief discussion that testimony from the ABC agents is not necessary due to the guilty plea, the Board proceeded with the hearing. Based upon the guilty plea, the citation was sustained. Following a brief discussion, Ms. Jarmon made the motion for a fourteen (14) day suspension followed by a ninety (90) day period of probation, with the option of paying a one thousand (\$1000) dollar civil penalty in lieu of the suspension. Mr. Davis seconded. The motion was approved unanimously. The suspension will begin March 29, 2017.

(33) *Nehad Harb*, 626 40th Avenue North, **One Stop Market**

OFF-SALE

(Dist. #21)

Alleged violation of M.C.L. Section 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 22, 2017. Mr. Cleveland Bane, attorney, was present to represent the applicant and requested that this hearing be deferred to allow matters to be heard in court. Following a general discussion, Ms. Van Dyke made the motion to defer the hearing to April 26, 2017. Ms. Jarmon seconded. The motion was approved unanimously.

(34) Administrative matters

- Budget

Ms. Cobb questioned what percentage of Beer Board revenue comes from applications and from complaints from Beer Inspectors and ABC agents. She requested that Ms. Eslick provide this information to the Board.

- Ms. Jarmon questioned if it was necessary for Board members to receive two printed copies of the agenda at each meeting, and requested that the Board not get a printed copy of the agenda provided to them prior to the meeting.

- Ms. Jarmon requested that the Board be provided a report at each meeting to discuss issues or update current issues with Board Members, so they have a better idea of what's going on within the department. Ms. Van Dyke suggested that Board members could e-mail the office with any questions or discussion items they would like to see.

- Ms. Eslick informed the Board that the office recently met with representatives from Metro ITS and Civic Engineering regarding the upcoming implementation of CityWorks, and progress made toward applications being filed online. At this time, due to the need to perform background checks on applicants, we require a Social Security number to be provided, and ITS will not allow that information to be entered into the system. We are currently exploring what options are available to address this issue.

- Metropolitan Beer Permit Inspector I Ken Ford informed the Board that this is his last meeting, and that he will be transferring to Public Works, effective Monday, March 27, 2017.

There being no further discussion, the meeting was adjourned at 7:10 p.m. until the next scheduled meeting set for April 13, 2017.

Date

Executive Director

Date

Chairperson