

**MINUTES FOR THE METROPOLITAN BEER PERMIT BOARD MEETING  
WEDNESDAY AUGUST 23, 2017  
SONNY WEST CONFERENCE ROOM  
HOWARD OFFICE BUILDING, 700 SECOND AVENUE SOUTH**

**BOARD MEMBERS:**

Mr. Brian Taylor, Chairperson  
Ms. Jessica Van Dyke  
Mr. Jack Davis  
Ms. Telisha Cobb  
Ms. Kia Jarmon  
Mr. John Spragens  
Mr. Quan Poole, Attorney

The meeting was called to order by Mr. Taylor.

(1) Announcements:

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

(2) Minutes

Mr. Davis made the motion to approve the minutes of the August 10, 2017 meeting.  
Ms. Jarmon 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.**

(17) *The District Nashville*, John Seigenthaler Pedestrian Bridge, **Wine on the River Nashville**

ON-SALE (OLD LOCATION) (Dist. #6 & #19)  
(SPECIAL EVENT – SEPTEMBER 8 & 9, 2017)

(20) *William Allen Simmons*, 1813B Eighth Avenue South, **Eighth & Wedgewood**

ON-SALE (NEW LOCATION) (Dist. #17)

(26) *Los Cantaritos Mexican Grill, Inc.*, 5207 Nolensville Pike, Suite A, **Los Cantaritos Mexican Grill, Inc.**

ON-SALE (NEW LOCATION) (Dist. #27)

(27) *Adalat Ghobrial*, 469 Bell Road, **Zero Max**

OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #29)

(28) *Friends of Warner Parks*, 50 Vaughn Road, Edwin & Percy Warner Parks, **Ale for the Trail**

ON-SALE (OLD LOCATION) (Dist. #34)  
(SPECIAL EVENT – SEPTEMBER 29 & 30; OCTOBER 1, 2017)

**The following applications were presented to the Board:**

(3) *Peninsula Nashville, LLC*, 1035 West Eastland Avenue, **Peninsula**

ON-SALE (NEW LOCATION) (Dist. #5)

At the request of the applicant, and without objection, the application was deferred to September 14, 2017.

(4) *Topgolf USA Nashville, LLC*, 500 Cowan Street, **Topgolf**

ON-SALE (NEW LOCATION) (Dist. #5)

Council Member Scott Davis was present to speak in support of 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. Jarmon seconded. The motion was approved unanimously.

(5) *Greek Style Gyro – Botros, LLC*, 1607 Gallatin Pike North, **Greek Style Gyro – Botros, LLC**

ON-SALE (NEW LOCATION) (Dist. #10)

At the request of the applicant, and without objection, the application was deferred to September 27, 2017.

(6) *Chipotle Mexican Grill of Colorado, LLC*, 731 Thompson Lane, **Chipotle Mexican Grill #2787**

ON-SALE (NEW LOCATION) (Dist. #16)

Following a general discussion, Mr. Davis made the motion to grant the permit, to be issued upon presentation of the applicant's Use & Occupancy permit. Ms. Jarmon seconded. The motion was approved unanimously.

(7) *Charles A. Leath*, 11 Arcade Alley, **417 BBQ**

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

At the request of the applicant, and without objection, the application was deferred to September 14, 2017.

(8) *Black Rabbit, LLC*, 218 Third Avenue North, **Black Rabbit**

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

Mr. Tayo Atanda, attorney, was present to represent the applicant and requested that the permit be granted, to be issued upon presentation of missing documents. He stated that this location plans to open on September 11, 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, Inspection of Business and Use & Occupancy permit. Ms. Jarmon seconded. The motion was approved unanimously.

(9) *HRI Lodging, LLC*, 118 Seventh Avenue North, **Holston House Nashville**

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

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

(10) *Nations OCP, LLC*, 1105 51<sup>st</sup> Avenue North, **The Original Corner Pub – The Nations**

ON-SALE (NEW LOCATION) (Dist. #20)

At the request of the applicant, and without objection, the application was deferred to September 14, 2017.

(11) *Soon, LLC*, 1006 Buchanan Street, **The Rollout by Slim and Husky's Pizza Beeria**

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

Mr. Tayo Atanda, attorney, was present to represent the applicant. Following a brief discussion concerning that this location does not meet the distance requirements, Mr. Atanda requested to defer the application indefinitely to allow him to speak with the Council member for this district. Ms. Cobb made the motion to defer the application indefinitely. Ms. Jarmon seconded. The motion was approved unanimously.

(12) *Eastwynn Theatres, Inc.*, 8125 Sawyer Brown Road, **Bellevue 12**

ON-SALE (NEW LOCATION) (Dist. #22)

Following a general discussion, Mr. Davis made the motion to grant the permit, to be issued upon presentation of the applicant's Use & Occupancy permit. Ms. Jarmon seconded. The motion was approved unanimously.

(13) *Deep South Growlers, LLC*, 6900 Lenox Village Drive, #6, **Deep South Growlers**

ON/OFF-SALE (NEW LOCATION) (Dist. #31)

At the request of the applicant, and without objection, the application was deferred to September 14, 2017.

(14) *World Music Nashville, LLC*, 7069 US Highway 70 South, **World Music Nashville Live**

ON-SALE (NEW LOCATION) (Dist. #34)

At the request of the applicant, and without objection, the application was deferred to September 14, 2017.

(15) *Romany Youssef Sadek*, 1497 County Hospital Road, **Blue Market**

OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #1)

Following a general discussion, Mr. Davis made the motion to grant the permit, to be issued upon presentation of the applicant's Use & Occupancy permit. Ms. Jarmon seconded. The motion was approved unanimously.

(16) *Rosepepper Cantina, LLC*, 1907 Eastland Avenue, **Rosepepper Cantina**

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

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

(18) *Jefferson Street United Merchants Partnership, CDC*, John Seigenthaler Pedestrian Bridge, **8<sup>th</sup> Annual Back to the Bridge Mixer**

ON-SALE (OLD LOCATION) (Dist. #6 & #19)  
(SPECIAL EVENT – SEPTEMBER 1, 2017)

Following a general discussion, Mr. Davis made the motion to grant the permit, to be issued upon presentation of the applicant's Fire Marshal approval, Letter of Permission, Use & Occupancy permit, Zoning approval and Letter of Security. Ms. Jarmon seconded. The motion was approved unanimously.

(19) *JNS Hospitality, LLC*, 3410 Lebanon Pike, **Nadeen's**

ON-SALE (NEW LOCATION) (Dist. #14)

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

(21) *BL Restaurant Operations, LLC*, 314 11<sup>th</sup> Avenue South, **Bar Louie**

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

At the request of the applicant, and without objection, the application was deferred to September 14, 2017.

(22) *BL Restaurant Operations, LLC*, 314 11<sup>th</sup> Avenue South, **Bar Louie**

CATERER (CHANGE OF OWNERSHIP) (Dist. #19)

At the request of the applicant, and without objection, the application was deferred to September 14, 2017.

(23) *Whiskey Row Nashville, LLC*, 400 Broadway, **Dierks Bentley's Whiskey Row**  
ON-SALE (NEW LOCATION) (Dist. #19)

At the request of the applicant, and without objection, the application was deferred to October 12, 2017.

(24) *Kuchnia & Keller, LLC*, 1300 Third Avenue North, **Kuchnia and Keller**  
ON-SALE (NEW LOCATION) (Dist. #19)

At the request of the applicant, and without objection, the application was deferred to September 14, 2017.

(25) *51 North Taproom, LLC*, 704 51<sup>st</sup> Avenue North, **51 North Taproom**  
ON-SALE (NEW LOCATION) (Dist. #20)

At the request of the applicant, and without objection, the application was deferred to September 27, 2017.

**The following trials were presented to the Board:**

(29) *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 pleaded not guilty. Metropolitan Police Detective Almose Thompson, Mr. Glen Alred, Metropolitan Beer Permit Inspector III Terrence Darby and Mr. Ashraf Ibrahim were also present to testify. Mr. Dread informed the Board that Mr. Ibrahim would testify with the aid of an interpreter, who was also present. Detective Thompson and Mr. Alred informed the Board that they have had no issue communicating with Mr. Ibrahim in English and don't feel that an interpreter is necessary. Mr. Dread stated that he does want an interpreter present for Mr. Ibrahim. Mr. Poole questioned if the interpreter is certified and stated that his advice to the Board would be to have a certified interpreter present rather than allowing Mr. Ibrahim's friend to translate for him, because this is a hearing. Following a general discussion concerning that having a certified interpreter might help protect decisions made by the Board, Ms. Jarmon made the motion to defer the hearing to October 25, 2017 so a certified interpreter can be present. Ms. Cobb seconded. The motion was approved unanimously. Mr. Dread stated that he will provide the interpreter. Mr. Poole asked that Mr. Dread contact him to see if a certified interpreter can possibly be provided by Metro, at no cost to Mr. Ibrahim.

(30) *MACS Retail, LLC*, 7070 Highway 70 South, **Tiger Market**

OFF-SALE

(Dist. #23)

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 April 21, 2017. Mr. Christopher Oliver, attorney, and Ms. Maria Niveló were present to represent the applicant and pleaded not guilty. Mr. Oliver requested to have this hearing placed at the end of the agenda. Without objection, the Board heard this matter last. Mr. Oliver requested to change his plea to guilty with an explanation and requested to defer the hearing to October 25, 2017. He stated that he wants to clear up some issues with TABC concerning the Responsible Vendor status and also wants to meet with Inspector Darby. Following a brief discussion, Ms. Cobb made the motion to defer the hearing to October 25, 2017. Mr. Spragens seconded. The motion was approved unanimously.

(31) *William C. Gifford, Jr.*, 7250 Whites Creek Pike, **Chips Quick Stop**

OFF-SALE

(Dist. #1)

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 July 7, 2017. Mr. William Gifford was present and pleaded guilty. Metropolitan Police Detective Michael Payne and Metropolitan Beer Permit Inspector III Terrence Darby were 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, Mr. Davis made the motion for a thirty (30) day suspension followed by a one hundred eighty (180) day period of probation, with no civil penalty option. Ms. Jarmon seconded. The Board discussed that Mr. Gifford may want to schedule an appointment to speak with an inspector during Inspectors' Office Hours, due to the number of violations on record. They also discussed issuing a reduced penalty based on Mr. Gifford meeting with his staff and with a Beer Inspector, and if the Board should issue punishments under advisement. Following a general discussion, Ms. Jarmon made the motion to amend the previous motion to a thirty (30) 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. Mr. Davis seconded. Ms. Jarmon, Mr. Davis, Ms. Cobb and Mr. Spragens voted aye. Ms. Van Dyke voted nay. The motion to amend carried. Following a brief discussion, Ms. Jarmon made the motion to approve the amended motion. Ms. Cobb seconded. Ms. Jarmon, Ms. Cobb, Mr. Davis and Mr. Spragens voted aye. Ms. Van Dyke voted nay. The motion carried. The suspension will begin August 30, 2017.

(32) *Mahmoud JBoor*, 1520 Porter Road, **Porter Road Market**

OFF-SALE

(Dist. #7)

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 39-17-437(2) on or about July 14, 2017. Mr. Adam Dread, attorney, was present to represent the applicant and pleaded not guilty. Metropolitan Beer Permit Inspector III Terrence Darby, Mr. Mahmoud JBoor and Mr. Amro Galal were also present to testify. All witnesses were sworn. Mr. Dread informed the Board that the synthetic urine was sold to the store by a vendor and that Mr. JBoor did not know it was illegal. He requested that the Board issue just a warning. Following a general discussion concerning that all Off-Sale locations were notified previously that this product is only legal for sale for bona fide educational, medical or scientific purposes, and that written records of sales must be kept. Following a general discussion and testimony presented to the Board, Ms. Van Dyke made the motion to sustain the citation. Ms. Jarmon seconded. The motion was approved unanimously. Following a general 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 five hundred (\$500) dollar civil penalty in lieu of the suspension. Mr. Davis seconded. The motion was approved unanimously. The suspension will begin August 30, 2017.

(33) *Devesh, Inc.*, 500 Old Hickory Boulevard East, **Grand Slam Market**

OFF-SALE

(Dist. #9)

Alleged violation of M.C.L. Section 7.08.150B operating in such a manner as to be detrimental to public health, safety and morals on or about July 10, 2017. Mr. Arvind Patel was present to represent the applicant and pleaded not guilty. Metropolitan Beer Permit Inspector I Jesus Coreño, Metropolitan Beer Permit Inspector III Terrence Darby, Metropolitan Beer Permit Inspector I Douglas James and Mr. Mahesh Patel were present to testify. All witnesses were sworn. Mr. Patel testified that he keeps copper scouring pads for sale behind the counter and that he doesn't sell drug paraphernalia. Inspector Coreño informed the Board of T.C.A. Section 39-17-424(6) and that the scouring pads were located behind the counter inside a box which also contained glass pipes. Following a general discussion and testimony presented to the Board, Mr. Davis made the motion to sustain the citation. Ms. Van Dyke seconded. The motion was approved unanimously. Following a brief discussion, Ms. Van Dyke made the motion for a seven (7) day suspension followed by a thirty (30) day period of probation, with the option of paying a one hundred fifty (\$150) dollar civil penalty in lieu of the suspension, with the reduction in civil penalty based upon the owner addressing the Board. Ms. Jarmon seconded. The motion was approved unanimously. The suspension will begin August 30, 2017.

(34) *Pie in the Sky Pizza, Inc.*, 6917 Lenox Village Drive, Suite 101, **Pie in the Sky Pizza**

ON-SALE

(Dist. #31)

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 June 12, 2017. Ms. Caroline Black was present to represent the applicant, pleaded guilty with an explanation, and was sworn in. Based upon the guilty plea, the citation was sustained. Ms. Black testified that the server, who was still in training, was terminated immediately and that dining room staff attended ABC training following the incident. She also stated that this is her first violation and requested a reduction in the civil penalty. Following a general discussion and testimony presented to the Board, Ms. Van Dyke 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, with the reduction in civil penalty based upon remedial measures taken. Ms. Cobb seconded. The motion was approved unanimously. The suspension will begin August 30, 2017.

(35) Administrative matters

Mr. Tucker Herndon, attorney, requested to address the Board. He informed the Board that the permit for Rebar at the Dam, located at 3248 Blackwood Drive, was granted on August 10, 2017, to be issued upon presentation of the Health Department and Fire Marshal approvals. He stated that he has not yet been able to obtain approvals from those departments and requested that the temporary permit for this location be extended for thirty (30) days. Following a general discussion, Ms. Cobb made the motion to extend the temporary beer permit for thirty (30) days. Mr. Davis seconded. The motion was approved unanimously.

The Board discussed the recently amended Rule No. 1, which would allow a temporary permit to be issued by the office only until the application can be heard by the Board, and that this rule would not apply to Mr. Herndon's issue. The Board may authorize temporary beer permits to be issued beyond the meeting date.

- Executive Director's Report

Mr. McDonough briefly discussed several topics with the Board:

- Inspectors' Office Hours will be held on Mondays from 7:30am to 12:00pm. This is an opportunity for anyone to come to the office and speak with an inspector to discuss issues, ask questions or speak about any topic.
- Beer Permit Inspectors are scheduled to attend an upcoming training session offered by TABC, with plans to attend additional training sessions on topics that would be beneficial. The department is also discussing the possibility of developing its own training curriculum for permit holders and applicants.



- Mr. McDonough informed the Board that electronic tablets for use by the inspectors in the field should be in by the end of the month. He has spoken with the Codes Department concerning laser distance measuring devices and is looking at options to equip beer inspectors with the tools they need.
- All staff members will work on the front desk on a rotating basis, both learning office procedures and allowing the office staff an opportunity to complete other tasks.
- Mr. McDonough informed the Board that he has restructured the prorated privilege tax amount paid by new permit holders. In the past, the privilege tax rate was prorated on a daily basis, with the constantly changing rate creating a hardship for applicants. Beginning on September 1, 2017, the privilege tax will be prorated on a monthly basis, with the rate based on the date the permit was granted.
- Mr. McDonough informed the Board that he has reached out to Ms. Vanessa Lazon with the Mayor's Office of New Americans, who provided him with a list of the ten most spoken languages in Nashville. He has also spoken with Council Member Fabian Bedne and plans to reach out to other groups who do not have English as a first language
- Mr. McDonough discussed the top violations that the Board saw over the past month. He also stated that inspectors found violations of documents not posted frequently, and that the office is looking into possible changes in the current procedure used for this violation.

- Board Rules

The Board was presented with proposed Rule No. 42, which would give the Board the authority to grant exceptions to Board Rules when appropriate. Following a general discussion concerning the wording of the rule and how it would be applied, the Board took no action at this time.

Following a brief discussion concerning Rule No. 1, passed on August 10, 2017, Ms. Jarmon made the motion to adopt the Board Rules package in its entirety. Ms. Cobb seconded. The motion was approved unanimously.

- Any other issues
  - The Board briefly discussed the current fine structure for beer sales made to minors, as shown in Rule No. 34 to see if any changes should be recommended.

There being no further discussion, the meeting was adjourned at 7: 35 p.m. until the next scheduled meeting set for September 14, 2017.

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Date

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Executive Director

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Date

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Chairperson