

**MINUTES FOR THE METROPOLITAN BEER PERMIT BOARD MEETING
WEDNESDAY SEPTEMBER 27, 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. Susan Jones, 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

Ms. Cobb made the motion to approve the minutes of the September 14, 2017 meeting. Mr. Davis seconded. The motion was approved unanimously.

Mr. Taylor announced that the department has implemented Inspectors' Office Hours, where Beer Permit Inspectors are available by appointment to discuss questions or concerns with applicants, permit holders, or members of the public. Office Hours are held each Monday from 7:30am to 12:00pm.

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

(6) *Von Elrod's, LLC*, 1004 Fourth Avenue North, **Von Elrod's Beer Garden and Sausage House**

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

(11) *Church of the Assumption*, 1219-1221 Seventh Avenue North, **Oktoberfest at the Church of the Assumption**

ON-SALE (OLD LOCATION) (Dist. #19)
(SPECIAL EVENT – OCTOBER 13 & 14, 2017)

(13) *51 North Taproom, LLC*, 704 51st Avenue North, **51 North Taproom**

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

(19) *Leukemia & Lymphoma Society*, One Titans Way, Lot R, **2017 Light the Night Walk**

ON-SALE (NEW LOCATION) (Dist. #6)
(SPECIAL EVENT – OCTOBER 20, 2017)

(21) *Full Moon, Inc.*, 3445 Lebanon Pike, **Full Moon, Inc.**

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

(28) *Humanities Tennessee*, 301 Sixth Avenue North, War Memorial Plaza & Courtyard, **Southern Festival of Books & Authors in the Round Dinner**

ON-SALE (NEW LOCATION) (Dist. #19)
(SPECIAL EVENT – OCTOBER 13, 14 & 15, 2017)

(29) *Monroe Harding, Inc.*, 601 Fourth Avenue South, Rocketown, **Fostering Joy**

ON-SALE (NEW LOCATION) (Dist. #19)
(SPECIAL EVENT – OCTOBER 6, 2017)

(30) *The Nashville Food Project, Inc.*, 2500 West End Avenue, Centennial Park, **The Taco Festival**

ON-SALE (OLD LOCATION) (Dist. #21)
(SPECIAL EVENT – SEPTEMBER 29 & 30, 2017)

The Board discussed the grant and delay process, whereby a permit is granted and issued upon presentation of missing documents. Due to the revision of Rule No. 1, the office has the authority to issue temporary permits to any applicant who meets all the requirements for a beer permit, so the Board will phase out the grant and delay process. Applicants who are missing documents will be deferred to a future meeting, and temporary permits can be issued to applicants once they meet all requirements.

The following applications were presented to the Board:

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

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

No one was present to represent the applicant. Following a general discussion concerning the lack of documents required for a beer permit and that this application has been deferred multiple times, Mr. Davis made the motion to defer the application indefinitely. Ms. Cobb seconded. The motion was approved unanimously.

(4) *The Listening Room, LLC*, 618 Fourth Avenue South, **The Listening Room Café**

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

Mr. Christopher Schoessel was present to represent the applicant. Following a brief discussion concerning the lack of documents required for a beer permit, Mr. Davis made the motion to defer the application to October 12, 2017. Ms. Van Dyke seconded. The motion was approved unanimously.

(5) *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 October 12, 2017.

(7) *4th & Church, LLC*, 401 Church Street, **Deacon's New South**

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

Mr. Andrew Marshall was present to represent the applicant. Following a brief discussion concerning the lack of documents required for a beer permit, Mr. Davis made the motion to defer the application to October 12, 2017. Ms. Van Dyke seconded. The motion was approved unanimously.

(8) *1318 Properties, LLC*, 1318 Sixth Avenue North, **Germantown Bar**

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

Mr. Curtis Harrington, attorney, was present to address the Board concerning a letter of opposition he had submitted on behalf of Germantown Commons Homeowner's Association. He requested to withdraw his opposition. Without objection, the opposition to this application was withdrawn. Following a brief discussion concerning that all requirements for a permit had been met, Mr. Davis made the motion to grant the permit. Ms. Cobb seconded. The motion was approved unanimously.

(9) *CTH Nashville, LLC*, 204 Third Avenue South, **City Tap House**

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

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

(10) *The Picnic Tap, LLC*, 900 Rosa L. Parks Boulevard, **The Picnic Tap, LLC**

ON/OFF-SALE (NEW LOCATION – EXPANSION) (Dist. #19)

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

(12) *5915 Robertson, LLC*, 5915 Robertson Avenue, **Roxie's Place**

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

At the request of the applicant, and without objection, the application was deferred to October 25, 2017.

(14) *Albarati & Khanshali, LLP*, 1800 Jefferson Street, **Pauls Market**

OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #21)

Mr. Aziz Albarati was present to represent the applicant. The Board discussed a letter of opposition that was e-mailed to the Beer Board office shortly before the meeting. If the issues alleged in the complaint prove to be true, then the applicant may not qualify for a beer permit. The Board discussed that no proof was offered by the opposition to show that the applicant or his partner have been charged with or convicted for any crime, but that the Board has the authority to defer the application and allow the complainant to be present and discuss his objections. Following a general discussion, Ms. Van Dyke made the motion to defer the application to October 12, 2017, with a temporary permit to be issued through October 12, 2017. Ms. Cobb seconded. The motion was approved unanimously.

(15) *AAJ, LLC*, 1805 Church Street, **Medusa Nashville Bar and Lounge**

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

Following a brief discussion concerning the lack of documents required for a beer permit, Mr. Davis made the motion to defer the application to October 12, 2017. Ms. Van Dyke seconded. The motion was approved unanimously.

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

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

No one was present to represent the applicant. Following a general discussion concerning the lack of documents required for a beer permit and that this application has been deferred multiple times, Mr. Davis made the motion to defer the application indefinitely. Ms. Cobb seconded. The motion was approved unanimously.

(17) *Kamica Duke*, 1800 Dickerson Pike, **Meridian Street Café**

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

No one was present to represent the applicant. Following a brief discussion concerning the lack of documents required for a beer permit, Mr. Davis made the motion to defer the application to October 12, 2017. Ms. Cobb seconded. The motion was approved unanimously.

(18) *TLT Group East Nashville, LLC*, 1100 Fatherland Avenue, **Local Taco**

ON-SALE (CHANGE OF OWNERSHIP) (Dist. #6)

Mr. Peter Cook was present to represent the applicant. Following a brief discussion concerning the lack of documents required for a beer permit, Mr. Davis made the motion to defer the application to October 12, 2017. Ms. Cobb seconded. The motion was approved unanimously.

(20) *McDowall Holdings, Inc.*, 1016 Madison Square, Parking Lot, **Wicked Good Provisions**

ON-SALE (NEW LOCATION) (Dist. #8)
(SPECIAL EVENT – SEPTEMBER 29 & 30; OCTOBER 6, 7, 13, 14, 20, 21, 27, 28, 29 & 31; NOVEMBER 1, 2, 3 & 4, 2017)

Mr. Rob McKinney, attorney, was present to represent the applicant and requested that a temporary beer permit be issued for this event upon presentation of missing documents. Following a brief discussion concerning the lack of documents required for a beer permit, Ms. Cobb made the motion to defer the application to October 12, 2017. Ms. Van Dyke seconded. The motion was approved unanimously. The event will be issued a temporary permit through the next Board meeting once all requirements for a permit are met.

(22) *Maheek Group, LLC*, 457 Donelson Pike, #101, **Sindoore – Indian by Nature**

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

No one was present to represent the applicant. Following a brief discussion concerning the lack of documents required for a beer permit, Mr. Davis made the motion to defer the application to October 12, 2017. Ms. Cobb seconded. The motion was approved unanimously.

(23) *El Gallito, LLC*, 2801B Foster Avenue, **El Gallito Supermercado**

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

No one was present to represent the applicant. Following a brief discussion concerning the lack of documents required for a beer permit, Mr. Davis made the motion to defer the application to October 12, 2017. Ms. Cobb seconded. The motion was approved unanimously.

(24) *Hopdoddy Nashville Belcourt, LLC*, 1805 21st Avenue South, Suite 100, **Hopdoddy Burger Bar**

ON-SALE (NEW LOCATION) (Dist. #18)

No one was present to represent the applicant. Following a brief discussion concerning the lack of documents required for a beer permit, Mr. Davis made the motion to defer the application to October 12, 2017. Ms. Cobb seconded. The motion was approved unanimously.

(25) *Pub Partners, LLC*, 708 Monroe Street, **Germantown Pub**

CATERER (NEW LOCATION) (Dist. #19)

No one was present to represent the applicant. Following a brief discussion concerning the lack of documents required for a beer permit, Mr. Davis made the motion to defer the application to October 12, 2017. Ms. Cobb seconded. The motion was approved unanimously.

(26) *Jeffrey Joel Bergman*, 1011 Elm Hill Pike, **Elm Hill Brewing Company**
ON/OFF-SALE (NEW LOCATION) (Dist. #19)

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

(27) *Chapman's Craft Cider, LLC*, 865 Elm Hill Pike, **Chapman's Craft Cider, LLC**
WHOLESALE (NEW LOCATION) (Dist. #19)

At the request of the applicant, and without objection, the application was deferred to October 25, 2017.

(31) *SJJ, Inc.*, 925 40th Avenue North, **SJJ Market**
OFF-SALE (NEW LOCATION) (Dist. #21)

No one was present to represent the applicant. Following a brief discussion concerning the lack of documents required for a beer permit, Mr. Davis made the motion to defer the application to October 12, 2017. Ms. Cobb seconded. The motion was approved unanimously.

(32) *GHK, LLC*, 14910 Old Hickory Boulevard, **Hannah's Mart**
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #27)

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

The following trials were presented to the Board:

(33) *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, Mr. John Judy and Ms. Maria Niveló were present to represent the applicant and pleaded guilty with an explanation. Mr. Oliver requested to have this hearing placed at the end of the agenda. Without objection, the Board heard this matter last.

Metropolitan Police Detective Sandra Smith, Metropolitan Police Detective Patricia Estes, and ABC representative Mr. Hayward Reed were also present to testify. Based upon the guilty plea, the citation was sustained. The Board briefly discussed if the detectives need to stay for the hearing, due to the guilty plea. Based upon the detectives' statement that they have no new testimony to offer and would be comfortable leaving before this hearing, the Board, without objection, released Detectives Smith and Estes from their subpoenas. Once all other trials were heard, witnesses for this matter were sworn. The Board discussed that this location held a Responsible Vendor certificate at the time of the violation, and that it was not revoked by ABC until after the violation occurred. Following a general discussion and testimony presented to the Board, Ms. Cobb 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 October 4, 2017.

(34) *Cha Chah, Inc.*, 2013 Belmont Boulevard, **BLVD Bistro**
ON-SALE

(Dist. #18)

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 11, 2017. Mr. Joseph Johnston, attorney, was present to represent the applicant and pleaded guilty with an explanation. Ms. Prapasri Myint, Ms. Michelle Miles, Mr. Tyrone Breedlove and ABC Agent Michael Donaldson were also present to testify. All witnesses were sworn. Based upon the guilty plea, the citation was sustained. Mr. Johnston informed the Board that the location had already paid a fine to ABC for this violation and that the employee who made the sale was no longer employed there, and requested that the standard civil penalty be reduced to five hundred (\$500) dollars. Following a general discussion concerning that servers were advised to be more careful in checking IDs, but that no one has attended any additional training offered through ABC, 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 two thousand (\$2000) dollar civil penalty in lieu of the suspension. Mr. Davis seconded. Ms. Van Dyke and Mr. Davis voted aye. Ms. Cobb voted nay. The motion carried. The suspension will begin October 4, 2017.

(35) *Prapasri K. Myint*, 2017 Belmont Boulevard, **P.M.**

ON-SALE

(Dist. #18)

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 11, 2017. Mr. Joseph Johnston, attorney, was present to represent the applicant and pleaded guilty with an explanation. Ms. Prapasri Myint, Ms. Michelle Miles, Mr. Tyrone Breedlove and ABC Agent Michael Donaldson were also present to testify. All witnesses were sworn. Based upon the guilty plea, the citation was sustained. Mr. Johnston informed the Board that the location had already paid a fine to ABC for this violation, and requested that the standard civil penalty be reduced to five hundred (\$500) dollars. He stated that the server was still employed at this location. Following a general discussion concerning that servers were advised to be more careful in checking IDs, but that no one has attended any additional training offered through ABC, 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 two thousand (\$2000) dollar civil penalty in lieu of the suspension. Mr. Davis seconded. The motion was approved unanimously. The suspension will begin October 4, 2017.

(36) *The Noodle Shop, Co. – Colorado, Inc.*, 2116 Green Hills Village Drive, **Noodles & Company**

ON-SALE

(Dist. #25)

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 11, 2017. Mr. Rob Pinson, attorney, was present to represent the applicant and pleaded guilty. ABC Agent Michael Donaldson was also present to testify. Based upon the guilty plea, the citation was sustained. Mr. Pinson informed the Board that this location does not sell much beer, and plans to surrender their permit once they serve the suspension for this violation. Following a brief discussion, 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 two thousand five hundred (\$2500) dollar civil penalty in lieu of the suspension. Ms. Cobb seconded. The motion was approved unanimously. The suspension will begin October 4, 2017.

(37) *Nguyet Thi Nguyen*, 1309 Bell Road, Suite 219-220, **Soopro Lounge**
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 29, 2017. Mr. John Northrup was present to represent the applicant and pleaded guilty with an explanation. Ms. Nguyet Nguyen was also present to testify. All witnesses were sworn. Ms. Alison Fiscus was present but offered no testimony. Based upon the guilty plea, the citation was sustained. Following a general discussion concerning remedial measures taken, including terminating the server's employment, installing new phone applications to scan IDs and having two people check each ID, Ms. Cobb 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. Mr. Davis seconded. The motion was approved unanimously. The suspension will begin October 4, 2017.

(38) Administrative matters

- Executive Director's Report

Mr. McDonough briefly discussed several topics with the Board:

- Electronic tablets have been received for the inspectors, and the department is currently working with ITS to resolve some issues, including looking into using DocuSign so inspection reports can be signed electronically.
- The department is still researching what type laser range finder will work best for measurements taken by inspectors in the field.
- Mr. McDonough discussed the top violations that the Board saw over the past month, and the number and type of inspections conducted.
- Mr. McDonough discussed legislation affecting the Beer Board, including RS2017-863, which exempts 51 North Taproom, LLC (Application #13) from the distance requirements; BL2017-907, which would amend MCL Section 7.08.090 regarding exemptions to the minimum distance requirements; BL2017-866, which would amend MCL Section 7.08.130 pertaining to the presence of intoxicating beverages from a distillery on the premises of a permittee under Chapter 7.08.
- Mr. McDonough informed the Board that he had submitted the annual paper and postage reduction report for FY17 to the Metro Clerk's office, and provided a copy of the report to the Board.
- Board Rules
 - Following a brief discussion concerning Rule No. 42, passed on September 14, 2017, Mr. Davis made the motion to adopt the Board Rules package in its entirety. Ms. Cobb seconded. The motion was approved unanimously.

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- Any other issues
There were no other issues to discuss.

There being no further discussion, the meeting was adjourned at 7: 05 p.m. until the next scheduled meeting set for October 12, 2017.

Date

Executive Director

Date

Chairperson