

**MINUTES FOR THE METROPOLITAN BEER PERMIT BOARD MEETING
THURSDAY JANUARY 11, 2018
DAVIDSON ROOM
METRO OFFICE BUILDING, 800 SECOND AVENUE SOUTH**

BOARD MEMBERS:

Mr. Brian Taylor, Chairperson
Ms. Telisha Cobb
Mr. John Spragens
Mr. Terry Clements
Mr. Quan Poole, Attorney

Start Time: 12:16 pm

End Time: 12:45 pm

Announcements:

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

Minutes:

1. Ms. Telisha Cobb
2. Mr. John Spragens

Unanimous / Opposed

Everything in order / Grant

1. Ms. Telisha Cobb
2. Mr. John Spragens

Unanimous / Opposed

#3 Guacamayas Mexican Restaurant, Inc. 63 East Thompson Lane – GUACAMAYAS MEXICAN RESTAURANT – CHANGE OF OWNERSHIP.

#4 Onion Division – Nashville Enterprises, LLC – 1903 Division Street – HOPSMITH TAVERN – ON SALE – NEW LOCATION

#5 – CabaRay, LLC – 5724 River Road – RAY STEVENS CABARAY SHOWROOM – ON SALE – NEW LOCATION.

#7 – Walgreen Co – 700 Gallatin Road – RITE AID #11890 – OFF SALE – CHANGE OWNERSHIP

#8 – Walgreen Co - 1241 Robinson Road – RITE AID #11882 – OFF SALE – CHANGE OWNERSHIP

#11 – Nour, LLC – 427 Lafayette Street – FIVE STARS MARKET – OFF SALE – CHANGE OWNERSHIP

#12 – Walgreen Co – 1104 Rosa Parks Blvd – RITE AID #11891 – OFF SALE – CHANGE OWNERSHIP

#14 – Southern Young Alumni Charitable Foundation – 601 4th Avenue South – THE AFFAIR TO CARE – ON SALE – OLD LOCATION – SPECIAL EVENT – FEB 9-10, 2018

#15 – Walgreen Co – 2416 West End Avenue – RITE AID #11888 – OFF SALE – CHANGE OWNERSHIP

#16 – Walgreen Co – 2806 Smith Springs Road – RITE AID #11894 – OFF SALE – CHANGE OWNERSHIP

#17 – Crossroads Sportbar, LLC – 2940 Murfreesboro Pike, Suite A&B – GADDY SHACK – ON SALE – NAME CHANGE.

Due to missing documents, defer indefinitely

1. Mr. John Spragens

2. Ms. Telisha Cobbs

Unanimous / Opposed

#6 – Restaurant Investment Properties, Inc. – 710 Old Hickory Blvd, Suite 302 – ESQUINA CANTINA BRENTWOOD – ON SALE – NEW LOCATION – (Lacks – Health, Fire, U&O, Beer Inspection)

#9 – Association of Brewers – DBA – Brewers Association – 201 5th Avenue South – Music City Center – Craft Brewers Conference & BrewExpo America – ON SALE –

SPECIAL EVENT (Lacks – Security Letter, Charity Letter, 501©(3) docs, Certificate of Authorization, Fire Inspection) – April 29-30; May 1-3, 2018
#10 – Geist House, LLC – 311 Jefferson Street – GEIST – ON SALE – NEW LOCATION (Lacks U&O).

#13 – SDN Venture, LLC – 119 3rd Avenue South – HOUSE OF CARDS – ON SALE – NEW LOCATION (Lacks – Fire).

*Mr. Taylor made an announcement pertaining to the new process being implemented; whereas, any applications missing documents are no long deferred to the next board meeting. Any application missing documents will be deferred indefinitely. Once all documents have been submitted to the beer board office and there are no questions of concern from staff, a temporary beer permit can be issued. The applicant must submit in writing a request to be added to the next agenda at that time.

#18 – R&R Energy, LLC – 5500 Clarksville Pike – FRIENDLY CORNER – OFF SALE

Alleged violation of M.C.L. Section 7.08.070C the permit holder shall display all permits issued pursuant to this article in a conspicuous place, together with all other permits, licenses and stamps required by law on or about April 26, 2016 and ongoing.

\$1,000 civil penalty option

Motion: Approved for issuance

1. Ms. Telisha Cobbs
 2. Mr. John Spragens
- Unanimous / Opposed

#19 – Jazzy’s, LLC – 1520 Hampton Street – JAZZY’S RESTAURANT AND LOUNGE – ON SALE

Alleged violation of M.C.L. Section 7.08.070C the permit holder shall display all permits issued pursuant to this article in a conspicuous place, together with all other permits, licenses and stamps required by law on or about January 30, 2016 and ongoing.

\$1,000 civil penalty option

Motion: Approved for issuance

1. Ms. Telisha Cobbs

2. Mr. John Spragens
Unanimous / Opposed

#20 – Souze Shamshoon Beshara, 2323 Dickerson Pike – NASHVILLE DISCOUNT TOBACCO – OFF SALE

Alleged violation of Rule 11 All retail permittees shall conspicuously post laws and regulations governing the sale of beer in a location easily observed by the public. Regulations and laws governing the sale of beer to under-aged persons shall be conspicuously posted near the cash register of all establishments engaging in the retail sale of beer on or about November 27, 2017.

\$1,000 civil penalty option.

Motion: Approved for issuance

1. Ms. Telisha Cobbs
2. Mr. John Spragens
Unanimous / Opposed

#21 – Souze Shamshoon Beshara – 2323 Dickerson Pike – NASHVILLE DISCOUNT TOBACCO – OFF SALE

Alleged violation of M.C.L 7.24.030D The following acts or conduct have been declared contrary to public policy by the General Assembly of the state of Tennessee when such activities take place upon premises licensed by the alcoholic beverage commission, pursuant to Tennessee Code Annotated Sections 57-4-101, et seq.; and the same are declared to be against the public policy of the metropolitan government of Nashville and Davidson County; and, therefore, no beer permit shall be held at any premises where such conduct or acts are permitted:

The showing of film, still pictures, electronic reproduction, or other visual reproductions depicting:

- a. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
- b. Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals;
- c. Scenes wherein a person displays the vulva or the anus or the genitals; d. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are

employed to portray, any of the prohibited activities described above on or about 11/27/17.

Hearing with no civil penalty option

Motion: Approved for issuance

1. Ms. Telisha Cobbs
 2. Mr. John Spragens
- Unanimous / Opposed

#22 – Cashville Coffee, LLC – 1400 McGavock Pike – DOSE CAFÉ AND DRAM BAR – ON SALE

Alleged violation of M.C.L. Section 7.08.070C the permit holder shall display all permits issued pursuant to this article in a conspicuous place, together with all other permits, licenses and stamps required by law on or about October 27, 2017 and ongoing.

\$1,000 civil penalty option

Motion: Approved for issuance

1. Ms. Telisha Cobbs
 2. Mr. John Spragens
- Unanimous / Opposed

#23 – Aquileo Vega Santana – 721 Gallatin Road North – LA MOVIDA NIGHT CLUB – ON SALE

Alleged violation of M.C.L. Section 7.08.030C a retailer’s “on-sale” permit shall be issued to any person engaged in the sale of beer where the beer is to be consumed by the purchaser or his guests upon the premises of the seller on or about December 2, 2017.

\$250 civil penalty option

Motion: Approved for issuance

1. Ms. Telisha Cobbs
 2. Mr. John Spragens
- Unanimous / Opposed
-

#24 – Aquileo Vega Santana – 721 Gallatin Road North – LA MOVIDA NIGHT CLUB – ON SALE

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 December 2, 2017.

\$2500 civil penalty option

Motion: Approved for issuance

1. Ms. Telisha Cobbs
 2. Mr. John Spragens
- Unanimous / Opposed
-

#25 – Dolgencorp, LLC – 459 Myatt Drive – DOLLAR GENERAL – OFF SALE

Alleged violation of M.C.L. Section 7.08.070C the permit holder shall display all permits issued pursuant to this article in a conspicuous place, together with all other permits, licenses and stamps required by law on or about October 26, 2017 and ongoing.

\$1,000 civil penalty option.

Motion: Approved for issuance

1. Ms. Telisha Cobbs
 2. Mr. John Spragens
- Unanimous / Opposed
-

#26 – Dolgencorp, LLC – 459 Myatt Drive – DOLLAR GENERAL – OFF SALE

Alleged violation of M.C.L. 7.08.040G An applicant or permit holder shall amend or supplement the information provided in its application promptly if a change in circumstances affects the responses in its application on or about October 26, 2017 and ongoing.

Hearing with no civil penalty option

Motion: Approved for issuance

1. Ms. Telisha Cobbs
 2. Mr. John Spragens
- Unanimous / Opposed

#27 – Dolgencorp, LLC – 2403 Lebanon Pike – DOLLAR GENERAL – OFF SALE

Alleged violation of M.C.L. Section 7.08.070C the permit holder shall display all permits issued pursuant to this article in a conspicuous place, together with all other permits, licenses and stamps required by law on or about October 16, 2017 and ongoing.

\$1,000 civil penalty option

Motion: Approved for issuance

1. Ms. Telisha Cobbs
 2. Mr. John Spragens
- Unanimous / Opposed

#28 – Steadfast Fine Coffee, LLC – 1329 6th Avenue North – STEADFAST FINE COFFEE – ON SALE

Alleged violation of M.C.L. Section 7.08.070C the permit holder shall display all permits issued pursuant to this article in a conspicuous place, together with all other permits, licenses and stamps required by law on or about January 31, 2017 and ongoing.

\$1,000 civil penalty option

Motion: Approved for issuance

1. Ms. Telisha Cobbs
 2. Mr. John Spragens
- Unanimous / Opposed
-

#29 – Tri-Star Energy, LLC – 2112 Charlotte Pike – Daily’s #7100

Alleged violation of M.C.L. 7.08.040G An applicant or permit holder shall amend or supplement the information provided in its application promptly if a change in circumstances affects the responses in its application on or about October 11, 2017 and ongoing.

No civil penalty option

Motion: Approved for issuance

1. Ms. Telisha Cobbs
 2. Mr. John Spragens
- Unanimous / Opposed
-

#30 – Mapco Express, Inc – 7725 Highway 70 South – MAPCO MART #3327 – OFF SALE

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 December 8, 2017.

\$1000 civil penalty option

Motion: Approved for issuance

1. Ms. Telisha Cobbs
 2. Mr. John Spragens
- Unanimous / Opposed
-

#31 – Tri-Star Energy, LLC – 204 White Bridge Road – Daily’s #7114 – OFF SALE

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 December 8, 2017.

\$1,000 civil penalty option

Motion: Approved for issuance

1. Ms. Telisha Cobbs
 2. Mr. John Spragens
- Unanimous / Opposed
-

#32 – Chipotle Mexican Grill of Colorado, LLC – 3900 Hillsboro Pike, Suite 28 –
CHIPOTLE MEXICAN GRILL – ON SALE

Alleged violation of M.C.L. Section 7.08.070C the permit holder shall display all permits issued pursuant to this article in a conspicuous place, together with all other permits, licenses and stamps required by law on or about October 19, 2017 and ongoing.

\$1,000 civil penalty option

Motion: Approved for issuance

1. Ms. Telisha Cobbs
 2. Mr. John Spragens
- Unanimous / Opposed
-

#33 – Chipotle Mexican Grill of Colorado, LLC – 3900 Hillsboro Pike, Suite 28 –
CHIPOTLE MEXICAN GRILL – ON SALE

Alleged violation of M.C.L. 7.08.070B The permit holder shall keep invoices and all other memoranda fully descriptive relating in any way to the storing, sale, distribution by sale or gift or manufacture of beer, and he shall permit the director of finance or his duly authorized agents, representatives, or employees to inspect, at any time during the business hours of the day, all such articles, containers, packages, invoices, books, papers and memoranda as may be deemed necessary in the opinion of the director of finance or his authorized agent, representative or employee in ascertaining whether or

not all state and local taxes have been paid or in determining the amount of such taxes may be due on or about November 06, 2017 and ongoing.

\$250 civil penalty option

Motion: Approved for issuance

1. Ms. Telisha Cobbs
 2. Mr. John Spragens
- Unanimous / Opposed

#34 – MACS Retail, LLC – 4112 Hillsboro Pike – TIGER MARKET #0227 – OFF SALE

Alleged violation of M.C.L. 7.08.040G An applicant or permit holder shall amend or supplement the information provided in its application promptly if a change in circumstances affects the responses in its application on or about October 30, 2017 and ongoing.

Motion: Approved for issuance

1. Ms. Telisha Cobbs
 2. Mr. John Spragens
- Unanimous / Opposed

ADMINISTRATIVE MATTERS:

Mr. Taylor made an announcement to elect the Chair and Vice-Chair of the Board.

Motion: A motion was made to elect Brian Taylor as the Chairperson of the Board.

1. Ms. Telisha Cobbs
 2. Mr. John Spragens
- Unanimous / Opposed

Mr. Brian Taylor accepted the position as Chairperson of the Board.

Motion: A motion was made to elect John Spragens as the Vice-Chairperson of the Board.

1. Ms. Telisha Cobbs

2. N/A

Unanimous / Opposed

The motion to elect John Spragens failed.

Motion: A motion was made to elect Telisha Cobbs as the Vice-Chairperson of the Board.

1. Mr. John Spragens

2. Mr. Terry Clements

Unanimous / Opposed

Ms. Telisha Cobbs accepted the position as Vice-Chairperson of the Board.

EXECUTIVE DIRECTOR'S REPORT:

- Mr. McDonough discussed the December total revenue and how the board is ahead of the projected totals.
- He gave an update on personal and business checks, with no returns on either as of this date.
- He mentioned, smart phones have come in and are in use. Possible use of technology in the Howard building to begin on Jan 17, will help reduce paper copies. Metro Council bill to accept online applications passed 2nd reading, and is scheduled to pass final on Tuesday Jan 23rd.
- He provided an update on the hiring of the new Office Support Specialist 1. 5 people to interview; 1 person did not respond back to confirm an interview, 1 withdrew, 1 person was offered the position after interviewing and is awaiting a background check.
- He mentioned, no new bills were introduced as of commencement of the January 9 state legislative session. He presented the new rule format for Rule 34 to convert into FAQ. Mr. Taylor mentioned, board members Ms. Jarmon and Mr. Davis were concerned about the rule lacking guidelines on how much a fine could be for each violation. Both board members mentioned were not present in today's board meeting. Mr. Spragens stated he likes the new rule change. Mr. Clements stated it would be best to wait for other board members before discussing the rule any further.

BOARD RULES:

- Mr. Taylor asked to have the FAQ adoption moved to the next board meeting for discussion.

ANY OTHER ISSUES:

- There were no other issues to discuss.

There being no further discussion, the meeting was adjourned at 12:45 p.m. until the next scheduled meeting set for January 24, 2018.

Date

Executive Director

Date

Chairperson