

**MINUTES FOR THE METROPOLITAN BEER PERMIT BOARD MEETING
WEDNESDAY JANUARY 24, 2018
SONNY WEST CONFERENCE ROOM
HOWARD OFFICE BUILDING, 700 SECOND AVENUE SOUTH**

BOARD MEMBERS:

Ms. Telisha Cobb, Vice Chairperson
Mr. John Spragens
Mr. Terry Clements
Ms. Jessica Van Dyke
Mr. Jack Davis
Mr. Quan Poole, Attorney

Announcements:

APPEAL OF DECISIONS

FROM THE METROPOLITAN BEER PERMIT BOARD

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 the 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.

Minutes:

1. Mr. Jack Davis
2. Mr. John Spragens

Unanimous / Opposed

Everything in order / Grant

1. Mr. Jack Davis
2. Mr. John Spragens

Unanimous / Opposed

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#3 4th & Church, LLC – 401 Church Street – **DEACON’S NEW SOUTH – ON SALE – NEW LOCATION**

#4 HP Investments Partners, LLC – 421 11th Avenue North – **YOUR PIE – ON SALE NEW LOCATION**

#5 Fonda Cubilete Mexican Restaurant, Inc. – 423 Harding Place – **FONDA CUBILETE MEXICAN RESTAURANT, INC – ON SALE – NEW LOCATION**

#6 Special Olympics Tennessee / Corporation – 1 Titans Way – **SPECIAL OLYMPICS TENNESSEE – 2018 MUSIC CITY POLAR PLUNGE – ON SALE – SPECIAL EVENT**

#10 Ronald McDonald House Charities of Nashville, Tennessee – 900 Rosa Parks Blvd – **THE TRIPLE SIP – ON SALE – SPECIAL EVENT**

Due to Missing Documents, Defer Indefinitely

1. Mr. Jack Davis

2. Mr. John Spragens

Unanimous / Opposed

#7 JSH Enterprise, LLC – 1401 Gallatin Avenue – **JERRY’S MARKET – OFF SALE – CHANGE OWNERSHIP – (Lacking: Health, Proof of Legal Residency)**

#8 Ashlee Lopez – 3804 Central Pike – **TACOS BRAVOS – ON SALE – NEW LOCATION – (Lacking: Health, Fire, Certificate of Registration, Certificate of Existence, Business License, Lease, Beer Inspection, U&O, Zoning Approval)**

#9 Nada Nashville, LLC – 202 21st Avenue South – **NADA – ON SALE – NEW LOCATION – (Lacking: U&O – Currently has Temp U&O through March 18, 2018)**

#11 Om Nolensville Oil, Inc. – 5455 Nolensville Pike – **SHELL – OFF SALE – CHANGE OWNERSHIP (Lacking: Health and Beer Inspection)**

#12 Kirin Sushi Restaurant, Inc – 795 Bell Road – **KIRIN SUSHI – ON SALE – CHANGE OWNERSHIP (Lacking: Fire and Certificate of Existence)**

Request to Withdraw

1. Mr. Jack Davis

2. Mr. John Spragens

Unanimous / Opposed

#13 Najah Alikaby and Nashed Nashed – 1208 A Murfreesboro Pike – **DB TODD #01 – OFF SALE – CHANGE OWNERSHIP (Request to Withdraw).**

TRIALS

#14 – *Brentwood Suites Group*, 622 Church Street East, **Brentwood Suites Hotel** ON-SALE (Dist. #4)

(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 September 21, 2017).

RECOMMENDATION: 14 day suspension / 90 day probation or \$2500 civil penalty option

Motion: Mr. Ben Rose, attorney was present to represent the applicant. Mr. Rose pleaded guilty on behalf of the applicant. Following a general discussion 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 five hundred (\$2500) dollar civil penalty in lieu of the suspension. Mr. Spragens seconded. The motion was approved unanimously. The suspension will begin January 31, 2018.

1. Ms. Van Dyke
 2. Mr. Spragens
- Unanimous / Opposed

#15 *Wild Cow, LLC*, 1896 Eastland Avenue, **The Wild Cow Vegetarian Restaurant** ON-SALE (Dist. #6)

(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 August 9, 2017 and ongoing).

RECOMMENDATION: 14 day suspension / 90 day probation or \$1,000 civil penalty option.

Motion: Ms. Tara Clark was present and pleaded guilty with an explanation. Metropolitan Beer Permit Inspector I Douglas James was also present to testify. All witnesses were sworn. Based upon the guilty plea, the citation was sustained. Ms. Clark stated she has now fixed the problem by obtaining the correct certificate of registration. Inspector James stated he followed up three times, and presented Ms. Clark with a copy of the correct certificate of registration needed. Following a general discussion and testimony presented to the Board, 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 one thousand (\$1000) dollar civil penalty in lieu of the suspension. Ms. Van Dyke seconded. The motion was approved unanimously. The suspension will begin January 31, 2018.

1. Mr. Davis

2. Ms. Van Dyke
Unanimous / Opposed

#16 *El Paraiso Supermercado Y Carniceria, Inc.*, 301 Gallatin Pike South, **El Paraiso Supermercado Y Carniceria, Inc. OFF-SALE (Dist. #9)
(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 October 20, 2017).**

Recommendation: 7 day suspension / 30 day probation or \$500 civil penalty option.

Motion: Mr. Juan Arnoldo Cruz, and pleaded not guilty. Also present with Mr. Cruz, was Mr. S.O. Echaglle and both were sworn. Mr. Cruz was discovered having problems fully understanding the English language. Ms. Van Dyke made a motion to have the trial deferred to February 28, 2018. Ms. Van Dyke requested the board obtain a Spanish interpreter for Mr. Cruz. Mr. Davis seconded. The motion was approved unanimously. The trial was deferred for February 28, 2018.

1. Ms. Van Dyke
2. Mr. Davis
Unanimous / Opposed

#17 *Chopper's Grill, LLC*, 1200 Donelson Avenue, **Chopper's Grill ON-SALE(Dist. #11)
(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 September 14, 2017).**

Recommendation: 14 day suspension / 90 day probation or \$2500 civil penalty option

Motion: Ms. Carrie Anne McManama, was present and pleaded guilty with an explanation. Ms. McManama stated she has been having problems with her eye sight, following a car wreck which caused her to misread the license presented to her. Following a general discussion 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 seven hundred fifty (\$1750) dollar civil penalty in lieu of the suspension. Mr. Davis seconded. The motion was approved unanimously. The suspension will begin January 31, 2018.

1. Ms. Van Dyke
2. Mr. Davis
Unanimous / Opposed

#18 *Adelaidas, Inc.*, 1433 Robinson Road, **Adelaidas Mexican Grill** ON-SALE (Dist. #11)

(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 September 14, 2017).

Recommendation: 14 day suspension / 90 day probation or \$2500 civil penalty option

Motion: Mr. Alfredo Moreno, was present and pleaded guilty with an explanation. Mr. Moreno stated his wife (Alma Yadira Guzman) is no longer serving beer at the restaurant due to not having a server permit card. Mr. Moreno stated he is the only person to have a permit server card, therefore closes the restaurant whenever he is not able to be present. Following a general discussion Ms. Van Dyke made the motion for an eleven (11) day suspension followed by a seventy five (75) day period of probation, with the option of paying a two thousand (\$2000) dollar civil penalty in lieu of the suspension. Mr. Spragens seconded. The motion was approved unanimously. The suspension will begin January 31, 2018.

1. Ms. Van Dyke
 2. Mr. Spragens
- Unanimous / Opposed

#19 *ECRHC, Inc.*, 1132 Murfreesboro Pike, **El Chico Restaurant No. 72** ON-SALE (Dist. #13)

(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 September 27, 2017).

Recommendation: 7 day suspension / 30 day probation or \$500 civil penalty option

Motion: Mr. Michael Gerlach was present to represent the applicant, and pleaded guilty with an explanation. Mr. Gerlach stated he did not know, his former employee Ms. Claudia Millan had been using a fraudulent ABC server permit card. Mr. Gerlach stated he has contacted the ABC in the past and asked about how to know the difference between a legit imitate card and a fraudulent one. Mr. Gerlach stated the ABC advised him there was no proper way to determine. Following a general discussion, the board argued they could not find the applicant guilty based on the information provided, and asked Mr. Poole if the plea could be changed. Counsel stated, he has not seen it happen in the past but would look into the matter. Ms. Van Dyke made a motion to have the trial deferred to February 28, 2018. Mr. Davis seconded. The motion was approved unanimously.

1. Ms. Van Dyke
2. Mr. Davis

Unanimous / Opposed

#20 Aldi (Indiana), LP, 405 American Road, **Aldi #46** OFF-SALE (Dist. #20)

(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 August 7, 2017 and ongoing).

Recommendation: 14 day suspension / 90 day probation or \$1,000 civil penalty option.

Motion: Mr. Tayo Atanda attorney was present to represent the applicant, and pleaded guilty with an explanation. Metropolitan Beer Permit Inspector I Douglas James was also present to testify and sworn. Based upon the guilty plea, the citation was sustained. Mr. Atanda stated Inspector James followed up three times, and presented Ms. Clark with a copy of the correct certificate of registration. Following a general discussion and testimony presented to the board, 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 one thousand (\$1000) dollar civil penalty in lieu of the suspension. Ms. Van Dyke seconded. The motion was approved unanimously. The suspension will begin January 31, 2018.

1. Mr. Spragens
2. Mr. Davis

Unanimous / Opposed

#21 Sandra Jo Vaughan & Greg Cook, 1331 Antioch Pike, **21 Club** ON/OFF-SALE (Dist. #28)

(Alleged violation of M.C.L. Section 7.08.140R it is unlawful for any beer permit holder or his agent or employee to allow any gambling or gambling devices of any kind or description contrary to state law on the premises on or about October 4, 2017).

Recommendation: 14 day suspension / 30 day probation or \$1,000 civil penalty option.

Motion: Mr. Greg Cook was present and was sworn. Metropolitan Beer Permit Inspectors Douglas James and Jesus Coreño were also present to testify and sworn. Mr. Cook stated the room where the gambling devices were found, had a different address than that from the establishment. Mr. Cook did not provide any documents stating the fact. Following a general discussion and testimony presented to the board, Mr. Davis made a motion for a fourteen (14) day suspension followed by a thirty (30) day period of probation, with the option of paying a one thousand (\$1000) dollar civil penalty in lieu of the suspension. Mr. Spragens seconded. The motion was approved unanimously. The suspension will begin January 31, 2018.

1. Mr. Davis
 2. Mr. Spragens
- Unanimous / Opposed

ADMINISTRATIVE MATTERS

EXECUTIVE DIRECTOR'S REPORT:

- Mr. McDonough mentioned Bill 2017-1032 was passed (electronic applications) enabling the board to accept electronic applications.
- He provided an update on the hiring of the new Office Support Specialist 1. He is waiting on final paperwork to have the new employee begin.

BOARD RULES:

- The board discussed the new FAQ presented by Mr. McDonough. Ms. Van Dyke asked, what is the purpose of the FAQ? Mr. McDonough explained, changing Rule 34 to the FAQ enables the public a better understanding on the different types of civil penalties. Ms. Van Dyke spoke about possibly adding an FAQ to advise permit holders of presenting remedial measures when coming before the board. Mr. Spragens spoke about possibly adding to the FAQ "If I present paperwork what can I expect". Mr. Spragens made a motion to remove Rule 34 and have it placed elsewhere, Mr. Davis seconded and passed unanimously. Mr. Spragens made a motion to adopt the new rules in FAQ, Mr. Davis seconded and passed unanimously.

ANY OTHER ISSUES:

- There were no other issues to discuss.

There being no further discussion, the meeting was adjourned at 7:26pm until the next scheduled meeting set for February 8, 2018.

Date

Executive Director

Date

Chairperson