

**Minutes 2-08-18**

**MINUTES FOR THE METROPOLITAN BEER PERMIT BOARD MEETING  
THURSDAY FEBRUARY 8, 2018  
NASHVILLE ROOM  
METRO OFFICE BUILDING, 800 SECOND AVENUE SOUTH**

**BOARD MEMBERS:**

Mr. Brian Taylor, Chairperson  
Ms. Telisha Cobb, Vice Chairperson  
Mr. John Spragens  
Ms. Kia Jarmon  
Mr. Jack Davis

**STAFF PRESENT:**

Mr. Benton McDonough, Executive Director  
Mr. Quan Poole, Attorney  
Mr. Terrence Darby, Beer Board Inspector 3  
Mr. Jesus Coreno, Beer Board Inspector 1  
Mr. Douglas James, Beer Board Inspector 1  
Ms. Amanda Webb, Office Support Specialist 1

*The Meeting was gaveled into session at 12:02 PM*

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**ANNOUNCEMENTS**

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**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.

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## Minutes 2-08-18

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### REVIEW OF MINUTES

January 24, 2018 Meeting

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Minutes:

1. Mr. Davis
2. Ms. Jarmon

Unanimous / Opposed

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### EVERYTHING IN ORDER – GRANT

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1. Ms. Jarmon
2. Ms. Cobb

Unanimous / Opposed

- #3 7-Eleven, Inc., 2200 Brick Church Pike, **Tigermarket #41043H**  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #2)
- #4 7-Eleven, Inc., 3144 Dickerson Pike, **Tigermarket #41042H**  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #2)
- #5 7-Eleven, Inc., 3200 Clarksville Pike, **Tigermarket #41044H**  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #2)
- #6 7-Eleven, Inc., 2022 Rosa L. Parks Boulevard, **A Plus #41045H**  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #2)
- #7 7-Eleven, Inc., 227 Shelby Avenue, **A Plus #41051H**  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #6)
- #9 7-Eleven, Inc., 4601 Lebanon Pike, **Tigermarket #41071H**  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #11)
- #10 7-Eleven, Inc., 5430 Old Hickory Boulevard, **Tigermarket #41072H**  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #11)

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#11 *7-Eleven, Inc.*, 340 Harding Place, **Tigermarket #41080H**  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #13)

#12 *7-Eleven, Inc.*, 1309 Murfreesboro Pike, **A Plus #41084H**  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #13)

#13 *7-Eleven, Inc.*, 2800 Nolensville Pike, **A Plus #41083H**  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #16)

#14 *7-Eleven, Inc.*, 2001 Eighth Avenue South, **Tigermarket #41055H**  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #17)

#15 *Sassafras Market and Deli LLC*, 610 Merritt Avenue, **Sassafras Market and Deli**  
ON/OFF-SALE (NEW LOCATION) (Dist. #17)

#16 *Hai Nhat Huynh*, 816 Gale Lane, Suite 112, **Hai Sushi and Pho**  
ON-SALE (CHANGE OF OWNERSHIP) (Dist. #17)

#17 *Brick & Mortar Hospitality LLC*, 2127 Belcourt Avenue, **The Donut + Dog**  
ON-SALE (CHANGE OF OWNERSHIP) (Dist. #18)

#18 *7-Eleven, Inc.*, 1401 Charlotte Avenue, **Tigermarket #41052H**  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #19)

#19 *7-Eleven, Inc.*, 1111 Broadway, **A Plus #41053H**  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #19)

#20 *SDN Venture, LLC*, 119 3<sup>rd</sup> Avenue South, **House of Cards**  
ON-SALE (NEW LOCATION) (Dist. #19)

### (ADDRESS AMENDED)

#21 *Association of Brewers – DBA Brewers Association*, 201 5<sup>th</sup> Avenue South, **Craft Brewers Conference & BrewExpo America**  
ON-SALE (SPECIAL EVENT) (Dist. #19)  
(April 27, 2018 – May 3, 2018)

#22 *AAJ, LLC*, 1805 Church Street, **Medusa Nashville Bar and Lounge**  
ON-SALE (NEW LOCATION) (Dist. #21)

#23 *7-Eleven, Inc.*, 3400 West End Avenue, **Tigermarket #41054H**  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #21)

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#24 7-Eleven, Inc., 7070 US Highway 70 South, <b>Tigermarket #41070H</b>		
OFF-SALE	(CHANGE OF OWNERSHIP)	(Dist. #23)
#25 7-Eleven, Inc., 4112 Hillsboro Pike, <b>Tigermarket #41068H</b>		
OFF-SALE	(CHANGE OF OWNERSHIP)	(Dist. #25)
#26 7-Eleven, Inc., 3815 Hillsboro Pike, <b>Tigermarket #41069H</b>		
OFF-SALE	(CHANGE OF OWNERSHIP)	(Dist. #25)
#27 7-Eleven, Inc., 15007 Old Hickory Boulevard, <b>Tigermarket #41079H</b>		
OFF-SALE	(CHANGE OF OWNERSHIP)	(Dist. #27)
#28 OM Nolensville Oil, Inc, 5455 Nolensville Pike, <b>Shell</b>		
OFF-SALE	(CHANGE OF OWNERSHIP)	(Dist. #27)
#29 7-Eleven, Inc., 2664 Smith Springs Road, <b>Tigermarket #41081H</b>		
OFF-SALE	(CHANGE OF OWNERSHIP)	(Dist. #29)
#30 7-Eleven, Inc., 4198 Murfreesboro Pike, <b>Tigermarket #41060H</b>		
OFF-SALE	(CHANGE OF OWNERSHIP)	(Dist. #33)

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### DEFER INDEFINITELY DUE TO MISSING DOCUMENTS

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\*Mr. Taylor made an announcement pertaining to the new process being implemented; whereas, any applications missing documents are no longer 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.

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1. Ms. Jarmon

2. Mr. Davis

Unanimous / Opposed

#31 Pearl Diver, LLC, 1008 Gallatin Avenue, **Pearl Diver**

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ON-SALE (NEW LOCATION) (Dist. #5)  
(Health, Fire, Certificate of Registration, Certificate of Existence, Business License,  
Beer Inspection, Use & Occupancy and Zoning)

#32 *TUJ #6, Hillsboro LLC, 1622 21<sup>st</sup> Ave S, The Urban Juicer*  
ON-SALE (NEW LOCATION) (Dist. #17)  
(Lease and Health)

#33 *Chef and I on Ninth, 611A 9<sup>th</sup> Ave S, The Chef and I on Ninth*  
ON-SALE (NEW LOCATION) (Dist. #19)  
(Lease and Business License)

#34 *Woolworth Nashville, LLC, 221 5<sup>th</sup> Avenue North, Woolworth on 5th*  
ON-SALE (NEW LOCATION) (Dist. #19)  
(Use and Occupancy)  
(Temp U&O Through 2/22/18)

#35 *Southern Grist Brewing Company LLC, 5000/5012 Centennial Blvd, Southern Grist Brewing*  
**Company Anniversary Party**  
ON-SALE (SPECIAL EVENT) (Dist. #20)  
(February 9, 2018 and February 10, 2018)  
(Health and Fire)

#36 *PC Inc., 73 White Bridge Road, Suite 107, Lemongrass Thai*  
ON-SALE (CHANGE OF OWNERSHIP) (Dist. #24)  
(Fire)

#37 *Ezzat Saleh, 2217 Murfreesboro Pike, St. Mark*  
OFF-SALE (NEW LOCATION) (Dist. #28)  
(Fire)

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## DISCUSSION

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#8 *7-Eleven, Inc., 819 South Gallatin Road, Tigermarket #41063H*

OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #7)

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Motion: Mr. Poole advised the board, due to the violation being recent (2/2/18), that proper notice may be lacking. Furthermore, discussion ensued regarding the fact that Beer Board rules 29 and 41 prevent the board from approving temporary or permanent permits for any applicant with a pending violation. <sup>i</sup>

Mr. Taylor then asked for the application to be deferred to the next board meeting (2/28/18) due to a lack of adequate notice to the public.

1. Mr. Davis
  2. Ms. Jarmon
- Unanimous / Opposed

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## COMPLAINTS

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#38 – *Timage Ali Omar*, 2700 Whites Creek Pike, **AA Mart**  
OFF-SALE

(Dist. #2)

Alleged violation of M.C.L. Section 7.08.030C a retailer's "off-sale" permit shall be issued to any person engaged in the sale of beer where the beer is not to be consumed by the purchaser or his guests upon the premises of the seller on or about February 6, 2018.

Recommendation: 7 day suspension / 30 day probation or \$1,000 civil penalty option.

Motion: Approved for issuance

1. Ms. Jarmon
  2. Ms. Cobb
- Unanimous / Opposed

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#39 – *7-Eleven, Inc*, 819 S. Gallatin Rd, **Tigermarket #41063H**  
OFF-SALE

(Dist. #7)

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 February 2, 2018.

Recommendation: 14 day suspension / 90 day probation

Motion: no civil penalty

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1. Ms. Jarmon
  2. Ms. Cobb
- Unanimous / Opposed
- 

#40 *Mohsen Fahmy*, 515 Gallatin Rd S., **M&M Market**  
OFF-SALE

(Dist. #9)

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 February 2, 2018.

Recommendation: 14 day suspension / 90 day probation or \$1,500 civil penalty option.

Motion: Approved for issuance

1. Ms. Jarmon
  2. Ms. Cobb
- Unanimous / Opposed
- 

#41 *Alaa Henin*, 1400 Gallatin Pike N, **Trade Winds**

OFF-SALE

(Dist. #10)

**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 February 2, 2018.**

Recommendation: 14 day suspension / 90 day probation or \$1,500 civil penalty option.

Motion: Approved for issuance

1. Ms. Jarmon
  2. Ms. Cobb
- Unanimous / Opposed
-

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#42 *Bruno Rayo Mancilla, 1326 Antioch Pike, Las Vaqueritas*  
ON-SALE

(Dist. #28)

Alleged violation of M.C.L. Section 7.08.130B To bring, to cause, or allow to be brought onto the premises of any permittee under the provisions of this chapter any intoxicating beverage, the alcoholic content of which is in excess of eight percent by weight, unless such permittee is the holder of a valid license issued under the authority of Tennessee code Annotated, Title 57, Chapter 4 on October 22, 2017

Recommendation: 7 day suspension / 30 day probation or \$250 civil penalty option.

Motion: Approved for issuance

1. Ms. Jarmon
  2. Ms. Cobb
- Unanimous / Opposed

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#43 *Bruno Rayo Mancilla, 1326 Antioch Pike, Las Vaqueritas*  
ON-SALE

(Dist. #28)

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 October 22, 2017.

Recommendation: 7 day suspension / 30 day probation or \$250 civil penalty option.

Motion: Approved for issuance

1. Ms. Jarmon
  2. Ms. Cobb
- Unanimous / Opposed

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## EXECUTIVE DIRECTOR'S REPORT:

- Mr. McDonough discussed the sending out the 10 day Privilege Tax Notices.
- Spoke on the revenue and that money is increasing.
- Applications improving for the month of February.



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- Spoke about still having office hours for customers to come in and get help filling out paperwork for their Beer Permit.

### BOARD RULES:

- Mr. Taylor asked for final Approval of the Role Packet

1. Ms. Jarmon
2. Ms. Cobb

### ANY OTHER ISSUES:

- There were no other issues to discuss.

*There being no further discussion, the meeting was adjourned at 12:29p.m. until the next scheduled meeting set for February 28, 2018.*

\_\_\_\_\_

Date

\_\_\_\_\_

Executive Director

\_\_\_\_\_

Date

\_\_\_\_\_

Chairperson

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<sup>i</sup> Rule 29: Temporary permits should not be issued by the Executive Director to any applicant for any location that has a complaint by a beer inspector or law enforcement officer or a citation pending before the beer board. However, in the event of a complete change in ownership, when the former owner has relinquished all of his interest in the location at issue, a temporary permit may be granted to the new owner of a location if no violation is pending against him and if he meets all requirements for obtaining a permit. February 24, 2016

Rule 41: A permit shall not be issued by the Executive Director or the Metropolitan Beer Permit Board to any applicant that has a complaint by a beer inspector or law enforcement officer or a citation pending before the Metropolitan Beer Permit Board. The beer permit application shall be denied, and the applicant can reapply. February 9, 2017

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### **Rule 29 and 41 have been combined into New rule 2.06**

#### 2.06 TEMPORARY PERMIT - PENDING COMPLAINT OR CITATION

A permit shall not be issued by the Executive Director or the Metropolitan Beer Permit Board to any applicant that has a pending citation or complaint by a beer inspector or law enforcement officer.

However, in the event of a complete change in ownership, when the former owner has relinquished all of his interest in the location at issue, a temporary permit may be granted to the new owner of a location if no violation is pending against him and if he meets all requirements for obtaining a permit.