MINUTES FOR THE METROPOLITAN BEER PERMIT BOARD MEETING WEDNESDAY MARCH 28, 2018 SONNY WEST CONFERENCE ROOM HOWARD OFFICE BUILDING, 700 SECOND AVENUE SOUTH

BOARD MEMBERS:

Mr. Brian Taylor, Chairperson Ms. Telisha Cobb, Vice Chairperson Mr. Terry Clements Ms. Jessica Van Dyke Mr. John Spragens Ms. Kia Jarmon 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 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. Ms. Telisha Cobb

2. Ms. Kia Jarmon

Unanimous / Opposed

Everything in order / Grant

1. Ms. Kia Jarmon 2. Ms. Telisha Cobb Unanimous / Opposed (3) Yazoo Brewing Company, 1871 Elm Tree Drive, Yazoo Embrace the Funk Fest 2018 **ON-SALE** (SPECIAL EVENT) (Dist. #15) (4/29/18) MBVentures, LLC, 1529 4th Avenue South, Stirrup Nashville (4) (NEW LOCATION) (CATERER) (Dist. #17) New Heights Brewing Company, LLC, 928 5th Avenue South, New Heights (5) Brewing Company, LLC **ON-SALE** (SPECIAL EVENT) (Dist. #17) (DATES AMENDED) (4/30-5/2/18) HRI Lodging, LLC, 118 7th Avenue North, Holston House Nashville (6) **ON-SALE** (NEW LOCATION) (Dist. #19)

(7) Elevation #9, LLC, 1913 Division Street, Winner's Bar & GrillON-SALE(CHANGE OF OWNERSHIP)(Dist. #19)

(8) *M., Inc,* 209 10th Avenue South, **M. Market** OFF-SALE (NEW LOCATION) (Dist. #19) (Method of Sale Amended) (Applicant Name Amended)

(9) Ainsley's Angels of America, 121 4th Avenue South, Ragner Relay TN ON-SALE (SPECIAL EVENT) (Dist. #19) (3/23 – 3/24/18)

(10)	MKRDY	Nashville Bevco, LLC, 200 Fourth Avenue North, I	Noelle Nashville
O	N-SALE	(NEW LOCATION)	(Dist. #19)

(11) Southern Grist Brewing Company LLC, 5012 Centennial Boulevard, Southern
 Grist Brewing Company
 ON/OFF SALE
 (NEW LOCATION)
 (Dist. #20)

(12) *Tavistock Freebirds, LLC,* 3800 Hillsboro Pike, **Freebirds World Burrito** ON-SALE (NEW LOCATION) (Dist. #25)

(13) The Church of The Assumption, 1219 and 1221 7th Avenue North, **Homecoming** and **Oktoberfest**

ON-SALE

(SPECIAL EVENT) (10/12 – 10/13/2018) (Dist. #25)

(14)	Shree Ma, LLC,	1406 Brick Church Pike, Broken Spoke Saloon				
10	N-SALE	(NEW LOCATION)	(Dist. #02)			
(EXPANSION)						

(18) Palaver Creative, LLC, 700 Woodland Street, East Nashville Crawfish Bash
 ON-SALE (SPECIAL EVENT) (Dist. #06)
 (5/26/18)
 (20) The Clubhouse Sports Bar and Grill LLC, 271 Gleaves Street, Bike Night
 ON-SALE (SPECIAL EVENT) (Dist. #10)
 (4/12, 4/26, 5/10, 5/24, 5/25, 5/26, 6/14, 6/15, 6/16, 6/28, 7/12, 7/19 and 7/26/18)

(25) The Black Abbey Brewing Company LLC, 2952 Sidco Dr. Craft Brewers
 Conference
 ON-SALE (SPECIAL EVENT) (Dist. #16)
 (4/28 – 5/7/18)

(26) Nashville Public Television, 434 Houston Street, **Big Yellow Bird Bash** ON-SALE (SPECIAL EVENT) (Dist. #17) (4/20 – 4/21/18)

(28)	Emmy SQG, LLC, 40	04 12 th Ave S, Emmy Squared	
ON-S/	ALE	(NEW LOCATION)	(Dist. #19)

(32) Smokey Mountain Sportservice, Inc., 501 Broadway, Pete &Terry's T ON-SALE (NAME CHANGE)				
(33) Harding Ho ON-SALE	<i>use, Inc.,</i> 400 4 th Avenue South, (SPECIAL EVEN (5/2/18)			
(34) <i>Positive Pu</i> ON-SALE	sh Productions, LLC, 3 City Aver (CHANGE OF O	nue, Ste. 500, Sand Bar Nashville WNERSHIP) (Dist. #21)		
(35) Sams Supe OFF-SALE	er Market Inc., 717 25 th Avenue N (CHANGE OF O	•		
(36) Qdoba Res Store 1806 ON-SALE	taurant Corporation, 7626 US Hv (NEW LOCATION)	wy 70 South, Qdoba Mexican Eats (Dist. #22)		
(42) Las Cazvela Grill (CATERER)	as <i>Mexican Grill Inc.,</i> 4114 Noler (OLD LOCATION)	nsville Road, <i>Las Cazvelas Mexican</i> (Dist. #30)		
(44) Friends of Warner Parks, Inc., 50 Vaughn Road, Full Moon Pickin' Parties, Sunday In the Park, Flying Monkey Marathon				

Sunday In the Park, Flying Monkey MarathonON-SALE(SPECIAL EVENT)(Dist. #34)

Due to Missing Documents, Defer Indefinitely

1. Ms. Kia Jarmon

2. Mr. Terry Clements

Unanimous / Opposed

(15) D3M, LLC, 1520 Hampton Street, Jazzy's Bistro ON-SALE (CHANGE OF OWNERSHIP) (Dist. #02) (Beer Inspection)

(16) Rolf Eagle, LLC, 823 Meridian Street, Folk ON-SALE (NEW LOCATION) (Dist. #05) (Health, Fire Inspection, Beer Inspection, Use & Occupancy)

(17) BATL TN, LLC, 1302 Gallatin Avenue, BATL ON-SALE (NEW LOCATION) (Dist. #05) (Health, Fire, Beer Inspection, Use & Occupancy)

(19) Maricela Olarte, 903 Gallatin Pike South, Ste. D1, La Milpita ON-SALE (NEW LOCATION) (Dist. #07) (Certificate of Registration, Proof of Residency,)

(21) *Guadalajara Taqueria & Mariscos, Inc.,* 1442 Gallatin Pike North, **Guadalajara Taqueria & Mariscos**

ON-SALE (NEW LOCATION) (Dist. #10) (Health, Fire, Certificate of Registration, Certificate of Existence, Business License, Lease, Zoning)

(22) Rafael Lopez Cervantes, 346 Harding Place, Marisqueria Vallarta Mexican
 Grill
 ON-SALE (NEW LOCATION) (Dist. #13)

(New LOCATION) (Dist. #10 (Health, Certificate of Registration, Lease, Use & Occupancy, Zoning)

(23) Mark Market, LLC, 3682 Bell Road, Hermitage Discount Tobacco and Beer OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #13) (Use and Occupancy)

(24) AKK Inc, 559 Stewarts Ferry Pike, Los Chilaquiles ON-SALE (NEW LOCATION) (Dist. #14) (Health, Certificate of Registration, Business License) (DISTANCE ISSUE) (COUNCIL RESOLUTION IN PROGRESS)

 (27) T.J Martell Foundation, 2601 Jess Neely Drive, 45th Music City International ON-SALE (SPECIAL EVENT) (Dist. #18) (4/27- 4/29/18)
 (Health, Fire, Tax Exempt Doc., Letter of Permission, Proof of Legal Residency, Beer Inspection, Charity Letter, 501(c)(3) Doc.)

(29) Nelson's Green Brier Distillery LLC, Nelson's Green Brier Distillery-Barrel Roll ON-SALE (SPECIAL EVENT) (Dist. #19) (POSSIBLE DISTANCE ISSUE) (Fire, Certificate of Authorization, Business License, Letter of Permission, Letter of Security, Charity Letter, 501(c)(3))

(30) 300 Broadway LLC, 300 Broadway, Ole Red Nashville (NEW LOCATION) ON-SALE (Dist. #19) (Health, Fire, Beer Inspection, Use and Occupancy)

(31) Paradise Park Trailer Resort, LLC, 411 Broadway, Paradise Park Trailer Resort (NEW LOCATION) (Dist. #19) ON-SALE (EXPANSION)

(Health, Fire, Beer Inspection)

Maria Susana Placencio, 4407 Nolensville Pike, La Cocina Dominicana (38) (NEW LOCATION) (Dist. #27) Restaurant ON-SALE (POSSIBLE DISTANCE ISSUE) (COUNCIL RESOLUTION IN PROGRESS)

(39) Taqueria Y Birrieria Arandas, Inc, 2111 Murfreesboro Pike Taqueria Y Birrieria Arandas ON-SALE (NEW LOCATION) (Dist. #28) (Use and Occupancy, Zoning)

(40) Lavo Lounge, LLC, 1310 Antioch Pike, Ste. J & K, Lavo Lounge LLC (CHANGE OF OWNERSHIP) ON-SALE (Dist. #28) (Fire, Zoning) (41) Restaurante Los Churrascos, Inc., 2500 Murfreesboro Pike, Restaurante Los Churrascos **ON-SALE**

(NEW LOCATION) (POSSIBLE DISTANCE ISSUE) (Health, Fire)

(Dist. #29)

(43) KALPRAJ, INC, 3606 Hamilton Church Road, Sonrise Market OFF-SALE (NEW LOCATION) (Beer Inspection)

(Dist. #33)

PRIVILEGE TAX DISCUSSION

- Comments – See List

Staff Informed the Board that approximately 37 privilege tax payments remained outstanding as of 03/28/2018. The Board then asked that the staff provide a list of these permittees with recommended disciplinary actions at the April 12th Board meeting.

TRIALS

(45) Friends, LLC, 3508 Clarksville Pike, Friends Market
OFF-SALE (Dist. #2)
(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 39-17-425(a)(1) on or about November 21, 2017).
COMPLAINANT: Metropolitan Beer Permit Inspector I Douglas James

SUPOENA: Kirollos Adel Foukih

MOTION: **DISMISSED**

1. Ms. Jessica Van Dyke

2. Ms. Telisha Cobb

Unanimous / Opposed

(46) Friends, LLC, 3508 Clarksville Pike, Friends Market

OFF-SALE

(Dist. #2)

(Alleged violation of MCL Section 7.24.030 & MCL Section 7.24.030D The following acts have been declared contrary to public policy by the General Assembly of the state of Tennessee when such activities take place upon a 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 and acts are permitted. 1. Visual reproductions depicting (a) simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; (b) persons being touched; (c) scenes displaying vulva, anus or genitals; (d) scenes of prohibited acts on or about November 27, 2017)

COMPLAINANT: Metropolitan Beer Permit Inspector I Douglas James

SUPOENA: Kirollos Adel Foukih

MOTION: The Board sustained the citation

Ms. Van Dyke made the motion for a 7 day suspension/15 day probation or 250 civil penalty. Ms. Cobb seconded the motion.

1. Ms. Jessica Van Dyke

2. Ms. Telisha Cobb

Unanimous / Opposed

(47) Friends, LLC, 3508 Clarksville Pike, Friends Market

OFF-SALE (Dist. #2) (Alleged violation of MCL Section 7.08.070C the permit holder shall display all permits issued pursuant to this article in a conspicuous place, together with all permits, licenses and stamps required by law. On or about November 21, 2017). COMPLAINANT: Metropolitan Beer Permit Inspector I Douglas James

SUPOENA: Kirollos Adel Foukih

MOTION: **DISMISSED**

1. Ms. Jessica Van Dyke

2. Ms. Telisha Cobb

Unanimous / Opposed

(48) Souze Shamshoon Beshara, 2323 Dickerson Pike, Nashville Discount Tobacco (Dist. #5)

OFF-SALE

(Alleged violation of MCL Section 7.24.030 & MCL Section 7.24.030D The following acts have been declared contrary to public policy by the General Assembly of the state of Tennessee when such activities take place upon a 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 and acts are permitted. 1. Visual reproductions depicting (a) simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; (b) persons being touched; (c) scenes displaying vulva, anus or genitals; (d) scenes of prohibited acts on or about November 27, 2017)

COMPLAINANT: Metropolitan Beer Permit Inspector I Douglas James

SUPOENA: Abanoub M. Saadalla

Prior Violations: April 13, 2017 Board Meeting - MCL Section 7.24.030D(1)(a) by allowing acts or conduct that have been declared contrary to public policy of the metropolitan government of Nashville and Davidson County, to wit the showing of film, still pictures, electronics reproduction, or other visual reproduction depicting: by allowing acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; M.C.L. Section 7.24.030D(1)(b) the showing of film, still pictures, electronics reproduction, or other visual reproduction depicting: any person being touched, caressed or fondled on the breast, buttocks, anus or genitals; M.C.L. Section 7.24.030D(1)(c) the showing of film, still pictures,

electronic reproduction, or other visual reproduction depicting: scenes wherein a person displays the vulva or the anus or the genitals; M.C.L. Section 7.24.030D(1)(d) the showing of film, still pictures, electronic reproduction, or other visual reproduction depicting: scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities above; \$250 civil penalty option paid.

May 24th Beer Board Meeting-Rule 11 all retail employees 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 (3/16/17). DISMISSED

MOTION: The Board sustained the citation

Ms. Van Dyke made the motion for a 7 day suspension/15 day probation or \$250 civil penalty. Ms. Cobb seconded the motion.

1. Ms. Jessica Van Dyke

2. Ms. Telisha Cobb

Unanimous / Opposed

(49) Souze Shamshoon Beshara, 2323 Dickerson Pike, Nashville Discount Tobacco

OFF-SALE (Dist. #5) (Alleged violation of Rule 2.07 all retail employees 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 11/27/17) COMPLAINANT: Metropolitan Beer Permit Inspector I Douglas James

SUPOENA: Abanoub M. Saadalla

Prior Violations: April 13, 2017 Board Meeting - MCL Section 7.24.030D(1)(a) by allowing acts or conduct that have been declared contrary to public policy of the metropolitan government of Nashville and Davidson County, to wit the showing of film, still pictures, electronics reproduction, or other visual reproduction depicting: by allowing acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; M.C.L. Section 7.24.030D(1)(b) the showing of film, still pictures, electronics reproduction, or other visual reproduction depicting: any person being touched, caressed or fondled on the breast, buttocks, anus or genitals; M.C.L. Section 7.24.030D(1)(c) the showing of film, still pictures,

electronic reproduction, or other visual reproduction depicting: scenes wherein a person displays the vulva or the anus or the genitals; M.C.L. Section 7.24.030D(1)(d) the showing of film, still pictures, electronic reproduction, or other visual reproduction depicting: scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities above; \$250 civil penalty option paid.

May 24th Beer Board Meeting-Rule 11 all retail employees 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 (3/16/17). DISMISSED

MOTION: **DISMISSED**

1. Mr. John Spragens

2. Ms. Telisha Cobb

Unanimous / Opposed

(50) Dolgencorp, LLC, 459 Myatt Drive, Dollar General
 OFF-SALE (Dist. #9)
 (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).
 COMPLAINANT: Metropolitan Beer Permit Inspector I Douglas James

SUPOENA: Rachael Michelle Landaverde

MOTION: Deferred to May 23rd 2018

1. Ms. Jessica Van Dyke

2. Mr. John Spragens

Unanimous / Opposed

(51) *Marsiel Hanna and Redda Hanna,* 3838 Old Hickory Boulevard, Suite F, **Kwik** Sack #3

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 39-17-437(2) on or about November 16, 2017).

COMPLAINANT: Metropolitan Beer Permit Inspector I Douglas James

SUPOENA: Hani Beshay Rizk

MOTION: THE PERMIT HOLDER PLED GUILTY (with explanation)

Ms. Cobb made the motion for a 30 day suspension/60 day probation or \$500 civil penalty. Ms. Van Dyke seconded the motion.

1. Ms. Telisha Cobb

2. Ms. Jessica Van Dyke

Unanimous / Opposed

(52) *J&M Restaurant, LLC,* 2730B Lebanon Road, **Phat Bites Deli** ON-SALE (Dist. #15)

(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 September 28, 2017 and ongoing).

COMPLAINANT: Metropolitan Beer Permit Inspector I Jesus Coreño

SUPOENA: Katelyn Hill Peter Lyrene

MOTION: GUILTY (with explanation)

Ms. Cobb made a motion for a 7 day suspension/30 day probation or \$750.00 civil penalty. Ms. Van Dyke seconded it.

Mr. Spragens made a motion for a 7 day suspension/30 day probation or \$750.00 civil penalty

1. Mr. John Spragens

2. Ms. Jessica Van Dyke

Unanimous / Opposed

(53) Tri-Star Energy, LLC, 2112 Charlotte Pike, Daily's #7100
 OFF-SALE (Dist. #21)
 (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).

COMPLAINANT: Metropolitan Beer Permit Inspector I Jesus Coreño

SUPOENA: Patricia Ann Kroghphat

MOTION: **DISMISSED**

1. Ms. Jessica Van Dyke

2. Mr. John Spragens

Unanimous / Opposed

(54) MACS Retail, LLC, 4112 Hillsboro Pike, **Tiger Market 0227** OFF-SALE (Dist. #25)

(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).

COMPLAINANT: Metropolitan Beer Permit Inspector I Douglas James

SUPOENA: John James Villers

Prior Violations: CL Section 7.08.140C to make or permit to be made any sale of beer to a person under twenty-one years of age. (5/6/16) Citation issued with a \$1000 civil penalty option. \$1000 civil penalty paid 6/20/16

MOTION: **DISMISSED**

1. Ms. Jessica Van Dyke

2. Mr. John Spragens

(55) *Horizon Market, Inc.,* 1691 Murfreesboro Pike, **Horizon Market, Inc.** OFF-SALE (Dist. #28)

(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 November 3, 2017). COMPLAINANTS: Metropolitan Police Detective Sandra Smith

Eric Fletcher, Nashville Prevention Partnership Metropolitan Beer Permit Inspector I Douglas James Metropolitan Beer Permit Inspector I Jesus Coreño Metropolitan Beer Permit Inspector III Terrence Darby Youth Services Detective Sandra Smith

SUPOENA: Luai I. Ghunim

MOTION: The Board sustained the citation

Ms. Jarmon made the motion for a 7 day suspension/30 day probation or \$500 civil penalty. Ms. Cobb seconded the motion.

1. Ms. Kia Jarmon

2. Ms. Telisha Cobb

Unanimous / Opposed

(56) *Horizon Market, Inc.,* 1691 Murfreesboro Pike, **Horizon Market, Inc.** OFF-SALE (Dist. #28)

(Alleged violation of T.C.A. 57-5-301(a)(1) Prior to making a sale of beer for offpremise consumption, the adult consumer must present to the permit holder, or any employee of the permit holder, a valid, government-issued document, such as a driver's license, or other form of identification deemed acceptable to the permit holder, that includes the photograph and birth date of the adult consumer attempting to make the purchase on or about November 3, 2017).

COMPLAINANTS: Metropolitan Police Detective Sandra Smith Eric Fletcher, Nashville Prevention Partnership Metropolitan Beer Permit Inspector I Douglas James Metropolitan Beer Permit Inspector I Jesus Coreño Metropolitan Beer Permit Inspector III Terrence Darby Youth Services Detective Sandra Smith

SUPOENA: Luai I. Ghunim

MOTION: The Board sustained the citation

Ms. Van Dyke made the motion for 14 day suspension/90 day probation \$750.00 Civil Penalty Mr. Spragens seconded the motion.

1. Ms. Jessica Van Dyke

2. Mr. John Spragens

Unanimous / Opposed

(57) Royal City, LLC, 8456 Highway 100, Highway 100 Shell

OFF-SALE

(Dist. #35)

(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 November 8, 2017).

COMPLAINANT: Metropolitan Beer Permit Inspector I Jesus Coreño

SUPOENA: Medhat Gergis

Prior Violations: November 2, 2017 Board Meeting - Prior to making a sale of beer for off-premise consumption, state law requires identification for the sale of beer; \$1000 civil penalty paid.

MOTION: Deferred to May 23rd 2018

(58) Administrative matters

- Executive Director's Report
- Board Rules
- Any other issues

ANY OTHER ISSUES:

There being no further discussion, the meeting was adjourned 9:17 p.m. until the next scheduled meeting set for 04/12/2018.

Date

Executive Director

Date

Chairperson