



The Metropolitan Government of Nashville and Davidson County...

***Metro Beer Board
Minutes
June 26th, 2019***

Meeting Date:	Thursday – June 26 2019
Place:	Nashville room 700 2 nd Avenue South
Time:	5:30 p.m.

BOARD MEMBERS	STAFF PRESENT	MEMBER ATTENDANCE	OTHERS PRESENT
Mr. Brian Taylor, Chairperson Ms. Telisha Cobb, Vice Chairperson Mr. William Conaway Ms. Kia Jarmon Mr. Terry Clements Mr. Christopher M. Bellamy Mr. John Spragens	Benton McDonough, Director Terrence Darby, Inspector III Douglas James Jr, Inspector I Amanda Webb, Office Specialist Melvin Brown Jr., Beer Inspector Darrell Hardrick, Inspector I Mr. Justin Marsh, Attorney		

APPEAL OF DECISIONS

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 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.

Approval of 6/13/19 minutes	Motion: First: Ms. Jarmon Second: Mr. Spragens Opposed: Unanimous
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I. Grant in Order		
(1) ON-SALE	<i>Smokers Abbey, LLC, 604 Gallatin Ave #102 37206, SMOKERS ABBEY, LLC</i> (EXPANSION - NEW LOCATION)	T18-25790 (Dist. #05)
(2) SPECIAL	<i>Friends of Shelby Parks and Bottoms, 700 Woodland St 37206, MUSIC CITY</i> HOT CHICKEN FESTIVAL (SPECIAL EVENT OLD) July 3-4, 2019	T19-26057 (Dist. #06)
(3) ON-SALE	<i>La Estrella, LLC, 3466 A Lebanon Pike 37076, LA ESTRELLA, LLC</i> (NEW LOCATION)	T19-25986 (Dist. #14)
(4) SPECIAL	<i>Vanderbilt University Football, 2601 Jess Neely Dr. 37212, Vanderbilt Football Alumni Tailgate</i> (SPECIAL EVENT OLD)	T19-26055 (Dist. #18)
(August 31, 2019, September 21 & 28, 2019, October 12 & 19, 2019, November 16 & 23, 2019)		
(5) ON-SALE	<i>Commerce Egg, LLC, 208 Commerce St 37201, ANOTHER BROKEN EGG CAFE</i> (CHANGE OF OWNERSHIP)	T19-25996 (Dist. #19)
(6) 25931 ON-SALE	<i>RESTAURANT CONCEPTS, LLC, 411 Broadway, DOWNTOWN SPORTING CLUB</i> (NEW LOCATION)	T19- (Dist. #19)
(7) 25835 ON-SALE	<i>The Local Distro, LLC, 614 Garfield St., The Local Distro</i> (NEW LOCATION)	T19- (Dist. #19)
(8) ON-SALE	<i>Pinnacle 4th and Peabody, LLC, 415 4Th Ave S 37201, HOLIDAY INN 4th & PEABODY</i> (NEW LOCATION)	T18-25793 (Dist. #19)

(9)	<i>Waldos Chicken Germantown, LLC, 1120 4Th Ave N 37208, Suite 103,</i>	T19-25991
	WALDOS CHICKEN GERMANTOWN	
ON-SALE	(OLD LOCATION)	(Dist. #19)
(10)	<i>Virago, LLC, 1120 McGavock St 37203, VIRAGO</i>	T19-26023
CATERER		(Dist. #19)
(11)	<i>Kentucky Ave., LLC, 5520 Kentucky Ave 37209, UPTOWN MARKET</i>	T19-26084
OFF-SALE	(CHANGE OF OWNERSHIP)	(Dist. #20)
(12)	<i>Pizza Loves Emily, LLC, 3821 Green Hills Village Dr 37215, EMMY SQUARED GREEN HILLS</i>	
T19-26004		
ON-SALE	(CHANGE OF OWNERSHIP)	(Dist. #25)
(13)	<i>F & R, LLC, 1309 Bell Rd #206 37013, LOVE MARKET TOBACCO & BEER</i>	T19-26021
OFF-SALE	(CHANGE OF OWNERSHIP)	(Dist. #31)
(14)	<i>Purple Heart Homes Inc, 4125 Whites Creek Pike 37189, THE VICTORY CUP</i>	T19-26073
SPECIAL	(SPECIAL EVENT NEW) June 21-22, 2019	(Dist. #03)
(18)	<i>Grand Ole Opry, LLC, 2804 Opryland Dr 37214, GRAND OLE OPRY</i>	
T19-26049		
ON-SALE	(OLD LOCATION -EXPANSION)	(Dist. #15)
(22)	<i>Tenn Nine Eight Distilleries, LLC, 122 3Rd Ave S 37201, BIG MACHINE STORE</i>	T19-26067
	& DISTILLERY	
ON/OFF-SALE	(NEW LOCATION)	(Dist. #19)
(24)	<i>NASHVILLE HUMANE ASSOCIATON, 121 4Th Ave S 37201, MUSIC CITY BREWER'S</i>	T19-26081
	FESTIVAL	
SPECIAL	(SPECIAL EVENT OLD) July 27, 2019	(Dist. #19)

	Motion: To Approve First: Ms. Jarmon Second: Ms. Cobb	Opposed or Abstained: Unanimous
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II. Deferred Indefinitely		
(15)	<i>East Nashville Beer Works, LLC</i> , 401 E Trinity Ln #30 37207, EAST NASHVILLE BEER WORKS MNUFACTURE (EXPANSION - NEW LOCATION) (Missing Items)	T19-26077 (Dist. #05)
(16)	<i>St. Joseph Catholic Church</i> , 1225 Gallatin Pike S 37115, AROUND THE WORLD FESTIVAL SPECIAL (SPECIAL EVENT NEW) (Missing Items)	T19-26075 (Dist. #07)
(17)	<i>I LOVE LOU, LLC</i> , 1304 McGavock Pike 37216, I LOVE LOU, LLC ON-SALE (NEW LOCATION) (Missing Items)	T19-26086 (Dist. #07)
(19)	<i>THE JAM COFFEE HOUSE LLC</i> , 1210 Wedgewood Ave 37212, THE JAM COFFEE ON-SALE HOUSE, LLC (NEW LOCATION) (Missing Items)	T19-26083 (Dist. #17)
(20)	<i>Marley's Holdings LLC</i> , 810 Gale Ln #104 37204, TACOS WITH A TWIST ON-SALE (CHANGE OF OWNERSHIP) (Missing Items)	T19-26082 (Dist. #17)
(21)	<i>NCL Nashville, LLC</i> , 1420 3Rd Ave S 37210, THE CORDELLE ON-SALE (NEW LOCATION) (Missing Items)	D19-26088 (Dist. #17)
(23)	<i>SuperCoolFunFest</i> , 600 James Robertson Pkwy 37219, SUPERCOOLFUNFEST SPECIAL (SPECIAL EVENT NEW) August 24th - 25th (Missing Items)	D19-26078 (Dist. #19)

(25) ON-SALE	<i>AA Singto, 1520 Division St 37203, THAI ESANE</i> (NEW LOCATION) (Missing Items)	T19-26087 (Dist. #19)
(26) SPECIAL	<i>Greenways for Nashville, 592 S 1st St, GREENWAYS FOR NASHVILLE</i> (SPECIAL EVENT OLD) October 3, 2019 (Missing Items)	T19-26085 (Dist. #21)
(27) ON-SALE	<i>Goha Ethiopian Restaurant, 2413 Shumate Ln 37217, NEW GOHA ETHIOPIAN RESTAURANT</i> (NEW LOCATION) (Missing Items)	T19-26089 (Dist. #28)

Notes:

	Motion: To Defer First: Ms. Cobb Second: Ms. Jarmon	Opposed or Abstained: Unanimous
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IV. TRIALS

(28) *Copa Cabana, LLC, 6410 Charlotte PIKE SUITE 112 37209, Copa Cabana Bar & Grill* 14-19857
ON-SALE (Dist. #20)
(Alleged violation of M.C.L 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 05, 2019).

SUBPOENA: Tamron Corinna Tilley,
Luis Soto Sanchez,
Francis Castro Romero

Prior Violations: (M.C.L 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.)

STAFF RECOMMENDATION: \$1500 Civil Penalty or 14 Day Suspension/90 Day Probation.

Charges: Violation of M.C.L 7.08.140C

Testimony: Respondent, Copa Cabana Bar & Grill, was represented at the formal hearing by Luis Soto Sanchez. Mr. Sanchez pled not guilty on behalf of the Respondent to the charge of selling beer to a minor (M.C.L. 7.08.140C). At the commencement of the hearing, Beer Board Inspector, Darrell Hardrick, played video footage of the sale to the minor. At the conclusion of the video and board staff testimony, Mr. Sanchez stated that a witness would not be present to testify; therefore, Mr. Sanchez changed the Respondent's plea to guilty.

Board Discussion: Following the guilty plea, the board discussed appropriate punishment. Mr. Spragens made a motion for a \$1500 civil penalty or a 14 day suspension with 90 days probation. The motion was seconded by Ms. Cobb. The board then voted unanimously to adopt Mr. Spragens' motion

	Motion: To Approve First: Mr. Spragens Second: Ms. Cobb	Opposed or Abstained: Unanimous
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(29) *AAJ, LLC, 1805 CHURCH ST 37203, MEDUSA NASHVILLE Bar & Lounge* 17-25180
ON-SALE (Dist. #21)

(Alleged violation of M.C.L 7.08.110 for any violation of any provision of state law regulating the sale, storage and transportation of alcoholic beverages by selling liquor to a person under twenty-one years of age, in violation of T.C.A. 57-4-203(b)(1)(A)

M.C.L 7.08.130A It is unlawful for any person To bring, to cause, or allow to be brought onto the premises of any permittee under the provisions of this chapter any prohibited drugs within the meaning of Tennessee Code Annotated, Sections 53-10-101, et seq., and 39-17-401, et seq.

M.C.L 7.08.140G It is unlawful for any beer permit holder or his agent or employee To operate a disorderly place.

M.C.L 7.08.140J It is unlawful for any beer permit holder or his agent or employee; To permit boisterous or disorderly conduct on the premises.

M.C.L 7.08.140R It is unlawful for any beer permit holder or his agent or employee; To allow or engage in any criminal activity on the premises.

M.C.L 7.08.150B Revocation, suspension or imposition of a civil penalty may be made where it appears satisfactorily that the premises of any person, firm or corporation holding a beer permit under this chapter are being operated in such manner as to be detrimental to public health, safety and morals.

M.C.L 7.08.220 A permit holder must return his permit to the board within fifteen days of termination of the business, change in ownership, relocation of the business or change of the businesses name; provided that, regardless of the failure to return a beer permit, a permit shall expire upon termination of the business, change in ownership, relocation of the business or change of the business's name.

M.C.L 7.24.030B1 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 contract or acts are permitted To employ, use or allow any person in the sale or service of beer or like alcoholic beverages in or

upon the premises of a permittee while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

M.C.L 7.24.030B3 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 contract or acts are permitted To encourage or permit any person on the premises of a permittee to touch, caress or fondle the breast, buttocks, anus or genitals of any other person

M.C.L 7.24.030C1 No permittee shall permit any person to perform acts of or acts which simulate a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; b. The touching, caressing or fondling of the breast, buttocks, anus or genitals; c. The displaying of the pubic hair, anus, vulva or genitals.

M.C.L 7.24.030C2 Subject to the provisions of subdivision 1 of this subsection, any entertainer who is employed in whole or in part by the permittee to dance at such permittee's premises shall perform only upon a stage at least eighteen inches above the immediate floor level and removed at least six feet from the nearest patron on or about September 25, 2016 and ongoing).

SUBPOENA: Metro Nashville Police Det. Michael Collazo
Metro Beer Board Inspector I Douglas James Jr.
TABC ASAIC Paul Darkangelo
TABC Agent Joseph Phillips

STAFF RECOMMENDATION: Revocation

Charges: Violation of M.C.L. 7.08.110 (violation of state law); 7.08.130A (allowing prohibited drugs); 7.08.140G (operating disorderly business); 7.08.140J (allowing boisterous or disorderly conduct on premises); 7.08.140R (criminal activity); 7.08.220 (failed to return permit to board within fifteen days of termination of business); 7.24.030B1 (acts contrary to public policy); 7.24.030B3 (acts contrary to public policy); 7.24.030C1 (activities sexual in nature); 7.24.030C2 (activities sexual in nature).

Testimony: Respondent, Medusa Nashville Bar & Lounge, did not appear before the board during this formal hearing. The owner of the business, Anthony Powell, notified board staff that he would not appear for the hearing, and he provided a written statement that he was aware of his right to appear and understood that staff would likely recommend revocation. The only witness to testify was Metro Nashville Police Detective, Michael Collazo. Detective Collazo testified regarding a joint investigation between his MNP unit, the Beer Board, and the TABC. Detective Collazo informed the board of the significant number of calls regarding this permit holder, as well as the number of homicides connected to that location. The detective also recounted an evening that he and another agent conducted surveillance of the location. They witnessed a patron leave the business and walk to his car, which was located across the street from the business and directly in front of agents' car. The individual then removed a weapon from his car and began shooting in the air.

Board Discussion: Following the detective's testimony, the board discussed the matter. Ms. Jarmon then made a motion to sustain the charges, due to the high number of calls, the related homicides, and the outcome of the joint investigation. The motion was seconded by Ms. Cobb. The board then voted unanimously to approve Ms. Jarmon's motion to sustain the charges. Next, the board discussed the appropriate punishment. Ms. Jarmon made a motion to accept the board's recommendation to revoke the permit, which was then seconded by Ms. Cobb. The board voted unanimously to approve Ms. Jarmon's motion to revoke the permit.

Notes:

Motion:
First: Ms. Jarmon
Second: Ms. Cobb

Opposed or Abstained:

Executive Director's Report

Director McDonough informed the Board that we the iPad's had arrived and IT is working on them and the Beer Board will have them soon.

ANY OTHER ISSUES: There being no further discussion, the meeting was adjourned 12:14 p.m. until the next scheduled meeting set for 7/11/19

Date

Executive Director

Date

Chairperson