



***The Metropolitan Government of Nashville and Davidson County...***

***Metro Beer Board Minutes***

Meeting Date:	Thursday – September 10, 2020 @ 12:00 P.M.
Teleconference Info:	Call: 415-655-0002
	Meeting Pin: 146-830-2787#
	When prompted, press # to indicate you are an attendee

BOARD MEMBERS	STAFF PRESENT	MEMBER ATTENDANCE	OTHERS PRESENT
Mr. Brian Taylor, Chairperson	Benton McDonough, Director		
Ms. Kia Jarmon, Vice Chairperson	Terrence Darby Sr, ASO IV		
Mr. Christopher M. Bellamy	Douglas James Jr, Inspector II		
Mr. William Conway	Darrell Hardrick, Inspector I		
Mr. Joe Perlen	Melvin Brown Jr., Special Assistant to the Director		
Ms. Bailey Spaulding	Amanda Webb, Office Specialist		
Ms. Delfine Fox			
Mr. Matthew Garth, Attorney			

( ) CALL TO ORDER

- Chairman Taylor called the meeting to order at 12:00 p.m.

( ) ROLL CALL

- Chairman Taylor called roll to determine the existence of a quorum.
- Present: Mr. William Conway, Mr. Christopher Bellamy, Mr. Joe Perlen, Ms. Delfine Fox, Chairman Brian Taylor.

*Having deemed a quorum present for purposes of conducting official business, Chairman Taylor proceeded through the agenda.*

(j) DETERMINATION OF NECESSITY BY TELECONFERENCE

- Legal Counsel, Matthew Garth, explained that governor's Executive Order 16, which was extended by Executive Order 60, enables the board to meet by virtual means if the board determines that essential business will be conducted, the board chooses a virtual format, and the board waives any rules to the contrary.
- Mr. Bellamy made a motion to adopt counsel's explanation and make a determination of necessity by teleconference. The motion was then seconded by Mr. Conway.
  - o Aye: Mr. Bellamy, Mr. Conway, Mr. Perlen, Ms. Fox.
  - o Nay: None.
  - o Present Not Voting: Chairman Taylor.

(k) APPROVAL OF THE MINUTES

**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 MINUTES AND CALL THE MEETING TO ORDER**

<p>Approval of the August 26, 2020 Minutes:</p> <p>Changes:</p> <p>Approval By: Mr. Bellamy, Mr. Conway, Mr. Perlen, Ms. Fox</p> <p>Present Not Voting: Chairman Taylor</p> <p>Signature of Chairman _____</p>	<p>Motion: to accept the Minutes as presented.</p> <p>First: Perlen</p> <p>Second: Conway</p> <p>Opposed: None.</p>
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### APPLICATIONS FOR APPROVAL

<p>(5) <i>Cox Oil Company, Inc., 500 Hickory Hills Blvd 37189</i>, <b>LITTLE GENERAL #72</b></p> <p>OFF-SALE (CHANGE OF OWNERSHIP)</p>	<p>T20-26833 (Dist. #03)</p>
<p>(6) <i>Mi Cielo, LLC, 3917 Gallatin Pike 37216</i>, <b>EL FUEGO RESTAURANT</b></p> <p>ON-SALE (NEW LOCATION)</p>	<p>T20-26879 (Dist. #08)</p>
<p>(7) <i>Moody Restaurant Services Incorporated, 3424 Lebanon Pike 37076</i>,</p> <p><b>CRAFTSMAN ON THE HILL</b></p> <p>ON-SALE (CHANGE OF OWNERSHIP)</p>	<p>T20-26848 (Dist. #14)</p>
<p>(8) <i>Cracker Barrel Old Country Store, Inc., 4323 Sidco Dr 37204</i>,</p> <p><b>CRACKER BARREL OLD COUNTRY STORE #26</b></p> <p>ON-SALE (NEW LOCATION)</p>	<p>T20-26781 (Dist. #16)</p>
<p>(9) <i>NCL Nashville, LLC, 1420 3Rd Ave S 37210</i>, <b>SAINT ELLE</b></p> <p>CATERER</p>	<p>T20-26734 (Dist. #17)</p>

(10) *Yee-Haw Brewing, LLC, 423 6Th Ave S 37203*, **Yee-Haw Brewing & White** T19-25947

**Duck Taco**

ON/OFF-SALE (NEW LOCATION) (Dist. #19)

(11) *Garr's Bev Co., LLC, 628 Ewing Ave 37203*, **GARR'S BEV CO., LLC** T20-26855

MNUFACTURE (NEW LOCATION) (Dist. #19)

After reviewing the aforementioned applications, Mr. Perlen made a motion to accept the staff's recommendation to grant final approval. The motion was then seconded by Ms. Fox.

- Aye: Mr. Bellamy, Mr. Conway, Mr. Perlen, Ms. Fox.
- Nay: None.
- Present Not Voting: Chairman Taylor.

**DEFER INDEFINITELY**

(12) *J. Word Enterprises LLC, 2400 Clarksville Pike 37208*, **SAVE A LOT** T20-26885

OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #02)

**(MISSING DOCUMENTS)**

(13) *Hawkers E. Nashville, LLC, 626 A Main St 37206*, **HAWKERS ASIAN STREET** T20-26889

**FARE**

ON-SALE (NEW LOCATION) (Dist. #06)

**(MISSING DOCUMENTS)**

(14) *One Stop Mart LLC, 2917 Dickerson Pike 37207*, **ONE STOP MART** T20-26858

OFF-SALE (NEW LOCATION) (Dist. #08)

**(MISSING DOCUMENTS)**

(15) *Game Terminal 3, LLC, 201 Terminal Ct 37210, **GAME TERMINAL 3, LLC*** T20-26883  
ON-SALE (NEW LOCATION) (Dist. #17)

**(MISSING DOCUMENTS)**

(16) *J.K.B. Restaurant Group, LLC, 1318 6Th Ave N 37208, **SONNY'S PATIO PUB & REFUGE*** T20-26887  
ON-SALE (CHANGE OF OWNERSHIP) (Dist. #19)

**(MISSING DOCUMENTS)**

(17) *Bobby's Idle Hour Tavern, LLC, 9 Music Sq S 37203, **BOBBY'S IDLE HOUR TAVERN*** T20-26892  
ON-SALE (NEW LOCATION) (Dist. #19)

**(MISSING DOCUMENTS)**

(18) *Stop N Shop Market LLC, 5100 Indiana Ave 37209, **STOP N SHOP*** T20-26888  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #20)

**(MISSING DOCUMENTS)**

(19) *Burnette Boys LLC, 6302 Charlotte Pike 37209, **CHARLOTTE PIKE MARKET*** T20-26891  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #20)

**(MISSING DOCUMENTS)**

(20) *ROZE PONY LLC, 5133 Harding Pike #A6 37205, **ROZE PONY*** D20-26886  
ON/OFF-SALE (NEW LOCATION) (Dist. #23)

**(MISSING DOCUMENTS)**

(21) *Alejandra Segoviano, 1609 F Murfreesboro Pike 37217, WEST COAST* T20-26844

**TACO SHOP #5**

ON-SALE (NEW LOCATION) (Dist. #28)

**(MISSING DOCUMENTS)**

(22) *OM RANDAL OIL GROUP INC, 5016 Nolensville Pike 37211, OM RANDAL OIL* T20-26880

**GROUP INC** (CHANGE OF OWNERSHIP)

OFF-SALE (Dist. #30)

**(MISSING DOCUMENTS)**

(23) *M&M 7 LLC, 1467 Bell Rd 37211, M&M MART* T20-26894

OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #31)

**(MISSING DOCUMENTS)**

Following a review of the aforementioned applications, Mr. Conway made a motion to accept the staff's recommendation to grant indefinite deferral. The motion was then seconded by Mr. Bellamy.

- Aye: Mr. Bellamy, Mr. Conway, Mr. Perlen, Ms. Fox.
- Nay: None.
- Present Not Voting: Chairman Taylor.

**COMPLAINTS**

(24) *Dolgenercorp, LLC, 3006 Gallatin PIKE 37216, Dollar General Store #2117* 09-16543

OFF-SALE (Dist. #07)

**(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 August 19, 2020).

**STAFF RECOMMENDATION: \$2000 Civil Penalty**

(25) *J & K Corporation, 4701 Gallatin PIKE 37216, J & K Corporation*

09-16542

OFF-SALE

(Dist. #08)

(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. | T.C.A 57-5-301(a)(1) prior to making a sale of beer for off-premise consumption, state law requires identification for the sale of beer on or about August 18, 2020).

**STAFF RECOMMENDATION: \$2750 Civil Penalty**

(26) *Sir Pizza of Madison, LLC, 414B Gallatin PIKE 37115, Sir Pizza*

09-00869

ON/OFF-SAL

(Dist. #08)

(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 August 25, 2020).

**STAFF RECOMMENDATION: \$2000 Civil Penalty**

(27) *Zeyad Shaar, 3237 Gallatin PIKE 37216, Gallatin Market*

11-16770

OFF-SALE

(Dist. #08)

(Alleged violation of M.C.L 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 TCA 39-17-1504 Prohibits selling or distributing tobacco products to persons under the age of 18 or purchasing a tobacco product on behalf of a person under the age of 18 on or about August 18, 2020.)

**STAFF RECOMMENDATION: \$750 Civil Penalty**

(28) *Dolgenercorp, LLC, 601 Gallatin PIKE 37115, Dollar General Store #8347* 12-16927  
OFF-SALE (Dist. #08)

(Alleged violation of M.C.L 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. | 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 August 25, 2020).

STAFF RECOMMENDATION: \$2100 Civil Penalty

(29) *Hector R Primero Matias, 3935 Gallatin PIKE 37216, Variedades El Quetzal* 16-01001  
R&R  
ON/OFF-SAL (Dist. #08)

(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 August 19, 2020).

STAFF RECOMMENDATION: \$2000 Civil Penalty

(30) *Los Nietos Taqueria, Inc., 4701 A GALLATIN PIKE 37216, LOS NIETOS* 18-25461  
TAQUERIA  
ON-SALE (Dist. #08)

(Alleged violation of M.C.L 7.08.140C It is unlawful for any beer permit holder or his agent or employee o make or permit to be made any sale of beer to a person under twenty-one years of age on or about August 18, 2020).

STAFF RECOMMENDATION: \$2000 Civil Penalty



(31) *Dolgenercorp, LLC, 1578 Gallatin PIKE 37115, Dollar General #9630* 09-16596  
OFF-SALE (Dist. #10)

(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. | M.C.L 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 TCA 39-17-1504 Prohibits selling or distributing tobacco products to persons under the age of 18 or purchasing a tobacco product on behalf of a person under the age of 18 on or about August 25, 2020.)

STAFF RECOMMENDATION: \$2750 Civil Penalty

(32) *Alaa Henin, 1400 Gallatin PIKE 37115, Trade Winds* 12-16926  
OFF-SALE (Dist. #10)

(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. | T.C.A 57-5-301(a)(1) prior to making a sale of beer for off-premise consumption, state law requires identification for the sale of beer on or about September 01, 2020).

STAFF RECOMMENDATION: \$3250 Civil Penalty (2<sup>nd</sup> Sale to Minor)

(33) *China Cottage Cafe Inc, 1795 Gallatin PIKE 37115, China Cottage Cafe Inc* 13-19804  
ON-SALE (Dist. #10)

(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 September 01, 2020).

STAFF RECOMMENDATION: \$2000 Civil Penalty

(34) *El Rodeo Mercado Latino, LLC, 1408 Gallatin PIKE 37115, El Rodeo Mercado Latino* 15-17260  
OFF-SALE (Dist. #10)

(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. | T.C.A 57-5-301(a)(1) prior to making a sale of beer for off-premise consumption, state law requires identification for the sale of beer on or about September 01, 2020).

STAFF RECOMMENDATION: \$3250 Civil Penalty (2<sup>nd</sup> Sale to Minor)

(35) *EBEED, LLC, 1607 GALLATIN PIKE N 37115, GREEK STYLE GYRO* 19-26267  
ON/OFF-SAL (Dist. #10)

(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 September 01, 2020).

STAFF RECOMMENDATION: \$2000 Civil Penalty

(36) *Mapco Express, Inc., 3043 Nolensville PIKE 37211, Mapco Mart #1018* 16-17393  
OFF-SALE (Dist. #16)

(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 August 04, 2020).

STAFF RECOMMENDATION: \$1000 Civil Penalty (Responsible Vendor)

(37) *Ebrim Shalaby, Sameh Dous and Girgis Sefin, 1997 Nolensville PIKE 37211, US Discount*

**Tobacco and Beer**

09-16566

OFF-SALE

(Dist. #17)

**(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 August 19, 2020).**

**STAFF RECOMMENDATION: \$2000 Civil Penalty**

(38) *Taco Mama Hillsboro Village, LLC, 1612 21ST AVE S 37212, TACO MAMA*

18-25362

**HILLSBORO VILLAGE**

ON-SALE

(Dist. #17)

**(Alleged violation of Beer Board Rule 3.06 - No permittee shall expand the premises for which a permit to sell beer has been previously granted beyond the premises described in the permit application. A permit may be issued for the entirety of any expanded premises or for each of the separate contiguous premises operated by the permittee at the expanded premises only upon proper application by owner and surrender of the permit previously issued at the premises. Beer may not be sold on any premises for which a permit has not been issued. Any new permit(s) shall be issued only following an inspection by a beer permit inspector to ensure the expanded premises are in compliance with all laws of the State of Tennessee and the Code of the Metropolitan Government of Nashville and Davidson County governing the sale of beer, and to ensure the expanded premises are not inimical to the public health, safety, and morals of the inhabitants of Metropolitan Nashville and Davidson County. Payment of all application fees for each beer permit issued at the expanded premises is required on or about August 19, 2020).**

**STAFF RECOMMENDATION: \$500 Civil Penalty**

(39) *TriStar Energy, LLC, 4040 Hillsboro PIKE 37215, Twicedaily #8863* 14-17194

OFF-SALE (Dist. #25)

(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. | M.C.L 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 **TCA 39-17-1504 Prohibits selling or distributing tobacco products to persons under the age of 18 or purchasing a tobacco product on behalf of a person under the age of 18** on or about August 11, 2020).

STAFF RECOMMENDATION: \$3250 Civil Penalty (3<sup>rd</sup> Sale to Minor)

(40) *Walgreen Co., 4201 Nolensville PIKE 37211, Walgreens #09546* 15-17231

OFF-SALE (Dist. #27)

(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 August 11, 2020).

STAFF RECOMMENDATION: \$2000 Civil Penalty

(41) *Rai Brothers LLC, 4724 NOLENSVILLE PIKE 37211, RAI BROTHERS DISCOUNT* 18-25458

**TOBACCO AND BEER**

OFF-SALE (Dist. #30)

(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 August 11, 2020).

STAFF RECOMMENDATION: \$2000 Civil Penalty

Chairman Taylor asked Executive Director, Benton McDonough, to explain some of the differences in the civil penalties. Mr. McDonough explained that some of the recommended civil penalties look higher than normal because the staff included civil penalties for selling tobacco products to a minor. Similarly, because such activity is considered a criminal act, the recommendations started at \$750 rather than \$500 for a first-time offense.

Having reviewed the aforementioned violations, Mr. Bellamy made a motion to accept the staff's recommendations for the complaints. The motion was then seconded by Mr. Perlen.

- Aye: Mr. Bellamy, Mr. Conway, Mr. Perlen, Ms. Fox.
- Nay: None.
- Present Not Voting: Chairman Taylor.

#### (42) ADMINISTRATIVE MATTERS

##### EXECUTIVE DIRECTORS REPORT

Mr. McDonough informed the board that the board appears to be sustaining revenue totals compared to previous years and despite the pandemic. While the number of applications are much lower, the level of civil penalties and privilege tax collection remains level.

##### ADJOURNMENT:

At 12:25 p.m., Chairman Taylor adjourned the meeting.
