



The Metropolitan Government of Nashville and Davidson County...

Metro Beer Board Minutes

Meeting Date:	Wednesday– October 28, 2020 @ 5:30 P.M.
Teleconference Info:	Call: 415-655-0002
	Access Code: 146-769-0600#
	When prompted, press # to indicate you are an attendee

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

*** CALL TO ORDER**

- At 5:30 p.m., Chairman Taylor called the meeting to order.

*** ROLL CALL**

- Present: Ms. Kia Jarmon, Mr. Christopher Bellamy, Mr. William Conway, Mr. Joe Perlen, Ms. Bailey Spaulding, Ms. Delfine Fox, Chairman Brian Taylor.

Having determined a quorum was present, Chairman Taylor proceeded with the meeting.

*** DETERMINATION OF NECESSITY BY TELECONFERENCE**

- Counsel, Matthew Garth, explained to the board that local boards and commissions are allowed to conduct essential business by electronic means if the board deems their business to be essential and agree to conduct the business electronically. Additionally, board members agree to suspend any rules to the contrary. This explanation was adopted into an official motion by Mr. Bellamy and then seconded by Mr. Perlen.

Aye: Ms. Jarmon, Mr. Bellamy, Mr. Conway, Mr. Perlen, Ms. Spaulding, Ms. Fox.

Nay: None

Present Not Voting: Chairman Taylor.

*** 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

Approval of the October 10, 2020 Minutes:

Approval By: Ms. Jarmon, Mr. Bellamy, Mr. Conway, Mr. Perlen,
Ms. Spaulding, Ms. Fox.

Motion: Accept minutes as
presented from October 10,
2020.
First: Mr. Conway
Second: Mr. Bellamy

Present Not Voting: Chairman Taylor

Opposed: None

APPLICATIONS FOR APPROVAL

- (1) *Tri Star Energy, LLC, 6444 Eatons Creek Rd 37080, HIGHTAIL #8050* T20-26881
OFF-SALE (NAME CHANGE) (Dist. #01)
- (2) *GB LL Holdings, LLC, 863 Granada Ave 37206, goPUFF #327* T20-26937
OFF-SALE (NEW LOCATION) (Dist. #05)
- (3) *Market Place @ Skyline Commons, LLC, 400 Davidson St #2 37213, MARKET PLACE* T20-26451
@SKYLINE COMMONS LLC
SPECIAL (SPECIAL EVENT NEW) (Dist. #06)
June 19 20 21 27 JULY 3 4 5 10 11 17 18 24 25 31
Aug 1 7 8 14 15 21 22 28 29 Sept 4 5 6 11 12 18 19 25 26
Oct 2 3 9 10 16 17 23 24 30 Nov 6 7 13 14 20 21 27 28
- (4) *BLUE CRAB SHACK ATL LLC, 620 Gallatin Pike N 37115, BLUE CRAB SHACK THE VILLE* T20-26770
ON-SALE (NAME CHANGE) (Dist. #09)
- (5) *Esther's Diner and Grill Inc, 1433 Robinson Rd 37138, CAMINO VIEJO* T20-26957
MEXICAN BAR AND GRILL

ON-SALE	(NAME CHANGE)	(Dist. #11)
(6) <i>MAPCO Express, Inc., 1500 Robinson Rd 37138, MAPCO #7546</i>		T20-26769
OFF-SALE	(NEW LOCATION)	(Dist. #11)
(7) <i>Tooth 'N Nail Cigars & Ale LLC, 2416 Music Valley Dr #137 37214, TOOTH 'N</i>		T20-26876
NAIL CIGARS & ALE		
ON-SALE	(NEW LOCATION)	(Dist. #15)
(8) <i>Blade and Timber LLC, 2018 B Lindell Ave 37203, BLADE AND TIMBER</i>		T20-26901
ON-SALE	(CHANGE OF OWNERSHIP)	(Dist. #17)
(9) <i>Fun Eats and Drinks, LLC, 408 Broadway 37203, LUCKY BASTARD SALOON</i>		T20-26922
ON/OFF-SALE	(NAME CHANGE)	(Dist. #19)
(10) <i>Casa de Montecristo-TN, LLC, 600 9Th Ave S #130 37203, CASA DE</i>		T20-26927
MONTECRISTO-TN, LLC		
ON-SALE	(EXPANSION)	(Dist. #19)
(11) <i>King's Market, LLC, 1800 Jefferson St 37208, KING'S MARKET, LLC</i>		T20-26817
OFF-SALE	(CHANGE OF OWNERSHIP)	(Dist. #21)
(12) <i>Giarratana Restaurant Group, LLC, 2105 Elliston Pl 37203, ELLISTON PLACE</i>		T20-26824

SODA SHOP

ON-SALE (NEW LOCATION) (Dist. #21)

(13) *Pork Belly Restaurant Group, LLC, 2000 A Oak Trail Dr 37135, PORK BELLY TIPSY PIG* T19-26240

ON/OFF-SALE (NEW LOCATION) (Dist. #33)

Chairman Taylor read the pending applications recommended for final approval by the Beer Board staff. Mr. Bellamy made a motion to approve the aforementioned applicants, as recommended by the board staff, for final approval. The motion was then seconded by Mr. Perlen.

Vote:

Aye: Ms. Jarmon, Mr. Bellamy, Mr. Conway, Mr. Perlen, Ms. Spaulding, Ms. Fox.

Present Not Voting: Chairman Taylor

DEFER INDEFINITELY

(14) *Vintage Pursuits LLC., 220 Cumberland Bnd 37228, ADVINTAGE DISTRIBUTING* T20-26941

WHOLESALES (NEW LOCATION) (Dist. #02)

(Missing Documents)

(15) *AUM SAI RAM, LLC, 40 Rachel Dr 37214, AVID HOTEL NASHVILLE AIRPORT* T20-26938

ON/OFF-SALE (NEW LOCATION) (Dist. #15)

(Missing Documents)

(16) *Ear for Music, Inc., 2713 Greystone Rd 37204, EAR FOR MUSIC, INC.* T20-26936

SPECIAL (SPECIAL EVENT NEW) (Dist. #17)

October 31, 2020

(Missing Documents)

(17) *Rains Market & Eatery, 106 Rains Ave 37203*, **RAINS MARKET & EATERY** T20-26947
ON/OFF-SALE (Dist. #17)

(Missing Documents)

(18) *Barcelona Edgehill, LLC, 1200 Villa Pl #110 37212*, **BARCELONA WINE BAR** T20-26953
ON-SALE (CHANGE OF OWNERSHIP) (Dist. #17)

(Missing Documents)

(19) *Han Tran, 1808 20Th Ave S #101 37212*, **BANH MI & ROLL PLUS** T20-26952
ON-SALE (NEW LOCATION) (Dist. #18)

(Missing Documents)

(20) *Bottle Cap Ventures, LLC, 2403 12Th Ave S 37204*, **BOTTLE CAP** T20-26960
ON-SALE (NEW LOCATION) (Dist. #18)

(Missing Documents)

(21) *4PANT LLC, 210 4Th Ave N 37219*, **DLS/SNITCH/VATOS TACOS** T20-26951
ON-SALE (NAME CHANGE) (Dist. #19)

(Missing Documents)

(22) *West End Restaurants, LLC, 313 Demonbreun St 37201*, **THE RIVER HOUSE** T20-26954
ON/OFF-SALE (NEW LOCATION) (Dist. #19)

(Missing Documents)

(23) <i>Jane's Entertainment Group LLC, 209 3Rd Ave N #601 37201</i> , JANE'S ON TOP	T20-26958
ON-SALE (NEW LOCATION)	(Dist. #19)
(Missing Documents)	
(24) <i>Sister Cities of Nashville, 1004 4Th Ave N 37219</i> , SISTER CITIES OF NASHVILLE	T20-26959
SPECIAL (SPECIAL EVENT NEW)	(Dist. #19)
October 29, 2020	
(Missing Documents)	
(25) <i>IHRTRST Concessions, LLC, 4 City Blvd 37209</i> , ELEMENT NASHVILLE	T20-26935
VANDERBILT WEST END	
ON-SALE (NEW LOCATION)	(Dist. #21)
(Missing Documents)	
(26) <i>Fengzhi Tan, 1722 West End Ave 37203</i> , SHAUB SHABU HOT POT & BARBECUE	T20-26945
ON-SALE (NEW LOCATION)	(Dist. #21)
(Missing Documents)	
(27) <i>JHS Holdings LLC, 1918 West End Ave 37203</i> , JASPER'S RESTAURANT	T20-26949
ON-SALE (NAME CHANGE)	(Dist. #21)
(Missing Documents)	
(28) <i>Toast and Bear LLC, 3820 Charlotte Ave #134 37209</i> , CULTURE AND CO.	T20-26950
ON-SALE (NEW LOCATION)	(Dist. #24)
(Missing Documents)	

(29) *La Reina Cafe LLC, 2411 Edge O Lake Dr 37013, LA REINA CAFE LLC*

T20-26956

ON-SALE

(NEW LOCATION)

(Dist. #28)

(Missing Documents)

(30) *Aldi Inc. (Tennessee), 7117 Southpoint Pkwy 37027, ALDI #50*

T20-26939

OFF-SALE

(NEW LOCATION)

(Dist. #31)

(Missing Documents)

Chairman Taylor read the pending applications recommended for indefinite deferral by the Beer Board staff. Mr. Conway made a motion to approve the aforementioned applicants, as recommended by the board staff, for indefinite deferral. The motion was then seconded by Mr. Bellamy.

VOTE:

Aye: Ms. Jarmon, Mr. Bellamy, Mr. Conway, Mr. Perlen, Ms. Spaulding, Ms. Fox.

Present Not Voting: Chairman Taylor

REQUEST TO WITHDRAW

(31) *First Discount Tobacco & Vaper, 1467 Bell Rd 37211, FIRST DISCOUNT*

T20-26419

TOBACCO & VAPER

OFF-SALE

(NEW LOCATION)

(Dist. #31)

Chairman Taylor read the pending applications requesting withdraw by the Beer Board staff. Mr. Bellamy made a motion to approve the aforementioned applicants, as recommended by the board staff, for indefinite deferral. The motion was then seconded by Mr. Perlen.

VOTE:

Aye: Ms. Jarmon, Mr. Bellamy, Mr. Conway, Mr. Perlen, Ms. Spaulding, Ms. Fox.

Present Not Voting: Chairman Taylor

TRIALS

(32) *The Italian Kitchen LLC, 217 4th AVE 37219, The Italian Kitchen LLC*

15-20172

ON-SALE

(Dist. #19)

(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 on or about January 07, 2020).

COMPLAINANT: Metropolitan Beer Permit Inspector II Douglas James Jr.

Metropolitan Beer Permit Inspector I Darrell Hardrick

Special Assistant to the Director Melvin S Brown Jr

SUBPOENA: Aziz Ashurov

Nurbek Ulmasov

STAFF RECOMMENDATIONS: \$400 Civil Penalty or 7 Day Suspension and 30 Day Probation

PRIOR VIOLATION: (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 8/23/19.)

The Respondent pled “not guilty” to the charge of missing documents. Inspector James testified that the Beer Board conducted underage beer buys at the respondent location on January 7, 2020. While the Respondent did not sell beer to the informant, it was determined during a subsequent regulatory inspection that Respondent lacked four (4) documents that were required to be posted. The Respondent testified that he was not present during the inspection, but an employee was present. The Respondent stated the documents were posted on their board, but must have fallen behind the other documents posted. Mr. Perlen asked how many total documents were missing, and he was told that four (4) documents were missing which led to a charge of \$100 per document. Mr. Perlen then made a motion to sustain the citation. That motion was then seconded by Mr. Conway.

VOTE:

Aye: Mr. Bellamy, Mr. Conway, Mr. Perlen, Ms. Spaulding, Ms. Fox.

Present Not Voting: Chairman Taylor

Absent: Ms. Jarmon was not present for this matter.

Having sustained the citation, the board then discussed what, if any, punishment should be assessed. Mr. Perlen then made a motion to accept the staff recommendation of a \$400 civil penalty or a 7 day Suspension with 30 days probation. That motion was then seconded by Mr. Conway.

VOTE:

Aye: Mr. Bellamy, Mr. Conway, Mr. Perlen, Ms. Spaulding, Ms. Fox.

Present Not Voting: Chairman Taylor

Absent: Ms. Jarmon was not present for this matter.

(33) *Green Hills Grille, LLC, 2002 Richard Jones RD SUITE A104 37215, Green Hills Grille* 15-20178
ON-SALE (Dist. #25)

(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 on or about January 14, 2020)

COMPLAINANT: Metropolitan Beer Permit Inspector II Douglas James

Metropolitan Beer Permit Inspector I Darrell Hardrick

Special Assistant to the Director Melvin S Brown Jr

SUBPOENA: Steven Miles Smithing

STAFF RECOMMENDATION: \$200 Civil Penalty or 7 Day Suspension and 30 Day Probation

The Respondent was represented by counsel, Ginna Burrell. Ms. Burrell pled guilty on behalf

of her client. Inspector James stated that the Beer Board conducted an underage controlled beer buy on the date in question. Inspector James testified that the Respondent failed to post their ABC license and maximum occupancy. Ms. Burrell stated that her client does not dispute the allegations and that the Respondent looked for, but failed to locate, the necessary documents in his office. Ms. Burrell requested mercy from the board due to the current health crisis. Because the Respondent pled guilty, the board proceeded to the assessment of a punishment. Mr. Conway made a motion to accept the staff's recommendation of a \$200 civil penalty or a 7 day suspension with 30 days probation. That motion was then seconded by Mr. Perlen.

VOTE:

Aye: Ms. Jarmon, Mr. Bellamy, Mr. Conway, Mr. Perlen, Ms. Spaulding, Ms. Fox.

Present Not Voting: Chairman Taylor

(34) *M&S Market, 203 2nd AVE SUITE 1 37201, M&S Market*

17-17451

OFF-SALE

(Dist. #19)

(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 7.08.130B 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 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 (T.C.A. section 57-4-101 et seq.) on or about January 16, 2020).

COMPLAINANT: Metropolitan Beer Permit Inspector II Douglas James Jr.

Metropolitan Beer Permit Inspector I Darrell Hardrick

Special Assistant to the Director Melvin S. Brown Jr

SUBPOENA: Medhat Gad

STAFF RECOMMENDATIONS: \$600 Civil Penalty or 7 Day Suspension and 30 Day Probation

\$600 Civil Penalty Paid 10/28/20

The Respondent paid the \$600 civil penalty prior to their hearing. Mr. Bellamy made a motion to accept the Respondent's payment. The motion was then seconded by Mr. Conway.

VOTE:

Aye: Ms. Jarmon, Mr. Bellamy, Mr. Conway, Mr. Perlen, Ms. Spaulding, Ms. Fox.

Present Not Voting: Chairman Taylor

(35) *R & R Drive In Market, Inc., 1041 Jefferson ST 37208, R & R Drive In Market, In* 94-14171

OFF-SALE (Dist. #19)

(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 on or about February 18, 2020).

COMPLAINANT: Special Assistant to the Director Melvin S. Brown Jr

Metropolitan Beer Permit Inspector II Douglas James Jr

Metropolitan Beer Permit Inspector I Darrell Hardrick

SUBPOENA: Kenneth Christman

Michael Darryl High

STAFF RECOMMENDATIONS: \$2250 Civil Penalty or 14 Day Suspension and 90 Day Probation

\$2250 Civil Penalty Paid 10/27/20

The Respondent paid the \$2250 civil penalty prior to their hearing. Mr. Bellamy made a motion to accept the Respondent's payment. The motion was then seconded by Mr. Conway.

VOTE:

Aye: Ms. Jarmon, Mr. Bellamy, Mr. Conway, Mr. Perlen, Ms. Spaulding, Ms. Fox.

Present Not Voting: Chairman Taylor

(36) *Broadstone Taphouse, LLC, 1120 3RD AVE N 37208, SEDONA TAPHOUSE*

18-25389

ON/OFF-SAL

(Dist. #19)

(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 February 11, 2020).

COMPLAINANT: Special Assistant to the Director Melvin S. Brown Jr

Metropolitan Beer Permit Inspector II Douglas James Jr

Metropolitan Beer Permit Inspector I Darrell Hardrick

SUBPOENA: Robert Parke

Joseph Michael James

STAFF RECOMMENDATIONS: \$2000 Civil Penalty or 14 Day Suspension and 90 Day Probation

The Respondent pled guilty to the charges of selling to a minor. Inspector Hardrick testified that the Beer Board conducted underage controlled beer buys at the location in question. A member of the Respondent's staff sold beer to the confidential informant that day. The Respondent asked for mercy, due to the current health crisis, and the fact that his employee made an error that day and was the first sale to a minor for the employee, who had been on staff for 7 years. The employee also offered to pay for the civil penalty. Mr. Perlen then made a motion to reduce the recommended civil penalty to a \$1500 civil penalty or 14 days suspension and 90 days probation. That motion was then seconded by Mr. Conway.

VOTE:

Aye: Ms. Jarmon, Mr. Bellamy, Mr. Conway, Mr. Perlen, Ms. Spaulding, Ms. Fox.

Present Not Voting: Chairman Taylor

(37) E&B, LLC, 141 LAFAYETTE ST 37210, MENA'S MARKET

19-26269

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 February 25, 2020).

COMPLAINANT: Special Assistant to the Director Melvin S. Brown Jr

Metropolitan Beer Permit Inspector II Douglas James Jr

Metropolitan Beer Permit Inspector I Darrell Hardrick

SUBPOENA: Mary Ambushra

Abdirahman O. Abdi

STAFF RECOMMENDATIONS: \$2000 Civil Penalty or 14 Day Suspension and 90 Day Probation

The Respondent pled "not guilty" to the charges alleged. Inspector James testified that on February 25, 2020, the beer board conducted a controlled underage beer buy at the respondent establishment. Inspector James testified that two underage confidential informants were served beer by the clerk on duty at the time. The Respondent testified that the beer was sold to an underage informant, but his family was pre-occupied due to his father separating a brain aneurysm. Ms. Spaulding asked if this was the Respondent's first such offense. It was confirmed that this was their first underage sale. Mr. Perlen asked whether the Respondent admits to the sale. The Respondent did admit to the sale, but asked for mercy due to the family health emergency. Mr. Bellamy then made a motion to sustain the citation. That motion was then seconded by Mr. Conway.

VOTE:

Aye: Ms. Jarmon, Mr. Bellamy, Mr. Conway, Mr. Perlen, Ms. Spaulding, Ms. Fox.

Present Not Voting: Chairman Taylor

Ms. Fox then made a motion to reduce the staff's recommendation to a \$1500 civil penalty or a 14 day suspension and 90 day probation. That motion was then seconded by Mr. Bellamy.

VOTE:

Aye: Ms. Jarmon, Mr. Bellamy, Mr. Conway, Mr. Perlen, Ms. Spaulding, Ms. Fox.

Present Not Voting: Chairman Taylor

(38) RULE MAKING

- **Adoption of Rule 5.01 -Delivery and Curbside**
- **Consideration of Rules 3.04 and 3.05**
- **Status of Emergency Rule on Delivery and Curbside, set to expire 10/31/2020.**

Chairman Taylor provided an overview to the board regarding the proposed Rule 5.01 and changes to Rules 3.04 and 3.05. Chairman Taylor then made a proposal to the board to adopt the extension of the Beer Board Emergency Rule on Delivery and Curbside to November 30th. Mr. Conway made a motion to adopt the suggested extension to November 30th. That motion was then seconded by Mr. Conway.

VOTE:

Aye: Mr. Bellamy, Mr. Conway, Mr. Perlen, Ms. Spaulding, Ms. Fox.

Present Not Voting: Chairman Taylor

Absent: Ms. Jarmon was not present for this matter.

(39) ADMINISTRATIVE MATTERS

EXECUTIVE DIRECTORS REPORT

Mr. McDonough updated the board on the current revenue totals for the year, as well as updating members that the previous privilege tax season for January 2020 was officially closed.

ADJOURNMENT:

Determining that no other essential business was before the board, Chairman Taylor adjourned the meeting at 7:10 p.m.

