



The Metropolitan Government of Nashville and Davidson County...

Metro Beer Board Minutes

Meeting Date:	Wednesday– November 18, 2020 @ 5:30 P.M.
Teleconference Info:	Call: 415-655-0002 Access Code: 146 909 1049# 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**

- Vice-Chair, Kia Jarmon, called the meeting to order at 5:30 p.m.

*** ROLL CALL**

- Present: Mr. Christopher Bellamy, Mr. William Conway, Mr. Joe Perlen, Ms. Kia Jarmon. Having determined a quorum was present, Vice-Chair Jarmon proceeded with the meeting.

(Ms. Bailey Spaulding joined the meeting following roll call).

* DETERMINATION OF NECESSITY BY TELECONFERENCE

- Following an explanation by Counsel Matthew Garth, Mr. Conway made a motion to adopt counsel's explanation that Governor Lee's Executive Order, extended by Executive Order 65 allowed local boards and commissions to conduct business in electronic format as long as the board determines essential business will be conducted and the board waives any board rules to the contrary. That motion was then seconded by Mr. Bellamy.

Aye: Bellamy, Conway, Perlen, Spaulding, Jarmon.

Nay: None.

Present Not Voting: None.

* 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 November 5, 2020 Minutes:

Motion to approve minutes: 1) Conway 2) Bellamy

Aye: Bellamy, Conway, Perlen, Spaulding, Jarmon.

Nay: None.

Present Not Voting: None.

Motion: To accept.

First: Conway

Second: Bellamy

Opposed: None

Approval By:

Signature of Chairman _____

APPLICATIONS FOR APPROVAL

- | | |
|--|-------------|
| (3) <i>Logan's Roadhouse II LLC, 2506 Music Valley Dr 37214</i> , LOGAN'S | T20-26866 |
| ROADHOUSE NASHVILLE OPRYLAND #520 | |
| ON-SALE (CHANGE OF OWNERSHIP) | (Dist. #15) |
| (4) <i>Bottle Cap Ventures, LLC, 2403 12Th Ave S 37204</i> , BOTTLE CAP | T20-26960 |
| ON-SALE (NEW LOCATION) | (Dist. #18) |
| (5) <i>Frothy Monkey, LLC, 2509 12Th Ave S 00000</i> , FROTHY MONKEY | T20-26423 |
| ON-SALE (OTHER) | (Dist. #18) |
| (6) <i>Bobby's Idle Hour Tavern, LLC, 9 Music Sq S 37203</i> , BOBBY'S IDLE HOUR | T20-26892 |
| TAVERN | |
| ON-SALE (NEW LOCATION) | (Dist. #19) |
| (7) <i>F&M Ft. Walton Leasing, LLC, 1001 Broadway 37203</i> , UNION STATION HOTEL | T20-26859 |
| NASHVILLE | |
| ON-SALE (CHANGE OF OWNERSHIP) | (Dist. #19) |

(8) *Toast and Bear LLC, 3820 Charlotte Ave #134 37209, CULTURE AND CO.* T20-26950
ON-SALE (NEW LOCATION) (Dist. #24)

(9) *Juicy Seafood VII Inc, 3949 Nolensville Pike 37211, JUICY SEAFOOD VII* T20-26903
ON-SALE (NEW LOCATION) (Dist. #26)

(10) *Friends of Warner Parks, 50 Vaughn Rd 37221, THE FRIENDS OF WARNER PARK* T20-26736
SPECIAL (SPECIAL EVENT NEW) (Dist. #34)

May 15, June 5, June 19 July 10, Aug 7, Sep 4, Oct 2, Oct 16-18, Oct 23-25, Oct 30-31, Nov 1, Nov 6-8,
Nov 13-15, Nov 20-22

Vice-Chair Jarmon read the applicants submitted for final approval by the Beer Board staff. Mr. Conway made a motion to accept the board's recommendation of final approval of the aforementioned applicants. That motion was then seconded by Mr. Bellamy.

Aye: Bellamy, Conway, Perlen, Spaulding, Jarmon.

Nay: None.

Present Not Voting: None.

DEFER INDEFINITELY

(11) *NIK1, LLC, 2905 A Gallatin Pike 37216, NIK1, LLC* T20-26967
OFF-SALE (EXPANSION) (Dist. #05)

(12) *Andrew Fawaz, 2902 12Th Ave S 37204, EPICE LLC* T20-26968
ON-SALE (NEW LOCATION) (Dist. #17)

Vice-Chair Jarmon read the applicants submitted for indefinite deferral by the Beer Board staff. Mr. Conway made a motion to accept the board's recommendation of indefinite deferral of the aforementioned applicants. That motion was then seconded by Mr. Bellamy.

Aye: Bellamy, Conway, Perlen, Spaulding, Jarmon.

Nay: None.

Present Not Voting: None.

TRIALS

(13) *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).**

COMPLAINANT: Metropolitan Beer Permit Inspector I Darrell Hardrick

Special Assistant to the Director Melvin S Brown Jr

SUBPOENA: Zeyad Shaar

Nidal Salem

NO PRIOR VIOLATIONS

STAFF RECOMMENDATION: \$750 Civil Penalty or 7 Day Suspension and 30 Day Probation

Respondent plead not guilty to the violation. The inspector, Doug James, testified that during a regularly scheduled underage beer enforcement operation, the Respondent refused to sell beer to the underage informant; however, they sold cigarettes to the same informant who was under the age of 21. Respondent admitted that he sold cigarettes to the underage informant, but he stated that the change in age from 18 to 21 was not to be enforced in Tennessee until January 1, 2021. Board members discussed this matter with legal

counsel who then confirmed that federal law changed the age from 18 to 21, but such change would go into effect in Tennessee starting January 1, 2021.

Following this discussion, Mr. Conway made a motion to dismiss the complaint. That motion was then seconded by Mr. Conway.

Aye: Bellamy, Conway, Perlen, Spaulding, Jarmon.

Nay: None.

Present Not Voting: None.

*****CHAIRMAN TAYLOR THEN JOINED THE MEETING. VICE-CHAIR JARMON ALSO LEFT THE MEETING*****

(14) *M and H Market, Inc., 1625 23rd AVE 37208, M and H Market, Inc.*

14-17105

OFF-SALE

(Dist. #21)

(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: Metropolitan Beer Permit Inspector II Douglas James Jr

Special Assistant to the Director Melvin S Brown Jr

SUBPOENA: Melat Abdulraham

Abebaw Kassa

NO PRIOR VIOLATIONS

STAFF RECOMMENDATION: \$2000 Civil Penalty or 7 Day Suspension and 30 Day Probation

(2 Sales 1 Event)

The Respondent in this case failed to appear for the scheduled hearing. Mr. Conway made a motion to defer the hearing to the next available hearing date of January 27th. Mr. Bellamy seconded the motion.

Aye: Bellamy, Conway, Perlen, Spaulding.

Nay: None.

Present Not Voting: Chairman Taylor.

(15) *Antioch Neighborhood Beer & Tobacco, LLC, 1135 Bell RD SUITE 316 37013, Antioch*

Neighborhood Beer & Tobacco

17-17456

OFF-SALE

(Dist. #32)

(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 June 30, 2020).

COMPLAINANT: Metropolitan Beer Permit Inspector I Darrell Hardrick

Special Assistant to the Director Melvin S Brown Jr

SUBPOENA: James Arthur Jones

NO PRIOR VIOLATIONS

STAFF RECOMMENDATION: \$2000 Civil Penalty or 7 Day Suspension and 30 Day Probation

Respondent plead not guilty to the violation. Inspector Hardrick testified that a regularly scheduled underage beer enforcement took place on or about June 30, 2020. He stated that the underage informant entered the store and purchased beer. Despite requesting ID, the Respondent still sold to the informant. Respondent states that he saw Inspector Brown enter the store behind the informant and stand at the ATM. He stated that this made him uncomfortable and he was attention was on Inspector Brown when the purchase was made. Respondent also stated that he had asked to see the ID, but Respondent never showed him her identification. Respondent testified that he was in fear of his safety and the informant's safety, due to criminal activity in the area. Inspector Hardrick informed the board that the Respondent signed a document and stated that the store was busy and he was in a hurry to get the young lady and other customers out of the store, but never mentioned anything regarding a fear for his safety. Mr. Perlen asked the Respondent if he did indeed make the sale, to which the Respondent stated he did make the sale.

Mr. Perlen then made a motion to sustain the violation. This motion was then seconded by Mr. Conway.

Aye: Bellamy, Conway, Perlen, Spaulding.

Nay: None.

Present Not Voting: Chairman Taylor.

In the penalty phase, Mr. Perlen made a motion for a \$1500 civil penalty or a 7 day suspension with 30 days probation. This motion was then seconded by Mr. Conway.

Aye: Bellamy, Conway, Perlen, Spaulding.

Nay: None.

Present Not Voting: Chairman Taylor.

(16) *Dontavious Jones, 833 HAMILTON CROSSINGS 37013, DOLLAR CITY*

18-25456

OFF-SALE

(Dist. #32)

(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 July 21, 2020).

COMPLAINANT: Metropolitan Beer Permit Inspector II Douglas James Jr

Special Assistant to the Director Melvin S Brown Jr

SUBPOENA: Dontavious Jones

Willie Edward Lee Terrell, Jr.

NO PRIOR VIOLATIONS

STAFF RECOMMENDATION: \$2000 Civil Penalty or 7 Day Suspension and 30 Day Probation

Respondent plead not guilty to the violation. Inspector James testified that the violation took place during a regularly scheduled underage beer enforcement operation on or about July 21, 2020. The Respondent sold beer to the underage informant. The Respondent admitted to selling the beer and stated that he took full responsibility for the violation. He testified that he left a friend in charge of the store for a few hours while he ran out to purchase ice cream. The Respondent stated that he knew better and stated that he tried to contact the Beer Board staff regarding training; however, COVID has prevented the staff from conducting such

training courses recently. Mr. Bellamy thanked the Respondent for being so honest and forthcoming regarding this violation. Mr. Perlen made a motion to sustain the violation. That motion was then seconded by Mr. Conway.

Aye: Bellamy, Conway, Perlen, Spaulding.

Nay: None.

Present Not Voting: Chairman Taylor.

Mr. Perlen made a motion for a \$1500 civil penalty or 7 day suspension and 30 day probation. The motion was then seconded by Mr. Conway.

Aye: None

Nay: Bellamy, Conway, Perlen, Spaulding

Present Not Voting: None.

Motion failed.

Mr. Bellamy made a motion for a \$500 civil penalty or 7 day suspension and 30 day probation. The motion was then seconded by Mr. Conway.

Aye: Bellamy, Conway, Perlen, Spaulding.

Nay: None.

Present Not Voting: Chairman Taylor.

(17) ADMINISTRATIVE MATTERS

Chairman Taylor explained the board that new rules 5.01, 3.04 and 3.05 were adopted at the previous meeting. Executive Director McDonough submitted the entire new rules packet for the board to approve.

Mr. Perlen made a motion to adopt the new rules packet in its entirety. That motion was then seconded by Mr. Conway.

Aye: Bellamy, Conway, Perlen, Spaulding.

Nay: None.

Present Not Voting: Chairman Taylor.

Chairman Taylor explained that the new rules for delivery and curbside under Rule 5.01 would allow for an entity with a delivery/curbside permit to deliver beer off location or curbside. Furthermore, Chairman Taylor explained that if the consumer directly contacted the permit holder and placed the order, the permit holder would be required to complete the delivery. However, if the consumer placed the order through a third-party, then the third-party company would be responsible for completing the delivery.

EXECUTIVE DIRECTORS REPORT

Executive Director McDonough updated the board members on the current revenue totals. Mr. McDonough stated that this year was the best year regarding revenue in the 3 ½ years he has served as Executive Director. Mr. McDonough stated that he was very pleased with the current numbers, and he looked forward to people applying for the new delivery / curbside permits.

ADJOURNMENT

Chairman Taylor adjourned the meeting at 6:58 p.m.
