

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

Minutes
October 15, 2009
1:30 p.m.

The regular meeting of the Tennessee Alcoholic Beverage Commission was held on Thursday, October 15, 2009 in Nashville, Tennessee at 1:30 p.m. Chairman Jones, Commissioner Harlan Mathews and Commissioner Cynthia Bond were present. Executive Director Danielle Elks, Assistant Director Carolyn Smith, CLEO Mark Hutchens and SAC Mike Cawthon were present.

1. The Minutes for September 17, 2009 Commission Meeting were approved.

2. RETAIL

**A. MID STATE WINE AND SPIRITS
BAXTER, TENNESSEE (PUTNAM COUNTY)**

Applicant: Chris Mabey

Before the Commission is a request for an extension of time to open the new retail store to be located at 115 Fast Lane in Baxter, Tennessee. Mr. Mabey's application was approved on June 23, 2009 pending the submission of the newspaper affidavit, use and occupancy permit, and the TABC inspection. On September 8, 2009, TABC staff approved a 30 day extension to open. On October 9, 2009, Mr. Mabey submitted his last request for an extension of time: the remaining obstacle to get open is electrical issues.

Discussion/Action Taken:

Director Elks reviewed the application to the Commissioners and stated that Mr. Mabey had submitted a 30-day extension to the staff and that the 30 days expires on October 16; therefore, Mr. Mabey is requesting another 30 day extension from the Commission. Commissioner Mathews made a motion to approve. Commissioner Bond seconded the motion and it passed with 3 ayes.

**B. BOURDEAUX LIQUORS
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Licensee/Seller: Bordeaux Liquors, Inc.
Stockholders: B. Gordon and Suzanne C. Van Hooser
Applicant: Dharmi, Inc.
Stockholder: Upendra Patel

Before the Commission is a request for a transfer of ownership of the retail store to be located at 3711 Clarksville Pike, in Nashville, Tennessee. Mr. Patel intends to purchase the business for \$285,000, plus the value of the inventory. Financing is based upon personal funds. The Commission will be advised of lease information at the Commission meeting because Mr. Patel has not yet submitted the document. All other information has been submitted with the exception of the following:

- a. TABC Inspection;
- b. Acknowledgement of the rules/regulations;
- c. Lease and/or deed;
- d. Verification of source of \$200,000 deposit on June 30, 2009

Discussion/Action Taken:

Upendra Patel and Robert Pinson, attorney, were present at the meeting. Director Elks stated all documentation has been received and she recommended approval. Commissioner Mathews made a motion to approve. Commissioner Bond seconded the motion and it passed with 3 ayes.

**C. SOUTHGATE LIQUORS
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Seller/Licensee: Robert M. Jones, II
Applicant/Buyer: Private Reserve, LLC
Members: Dawn Kinard, Kelly Wilson and Tim Wilson

Before the Commission is a request for a transfer of ownership of the retail store located at 1789 S. Third Street in Memphis, Tennessee. Dawn Kinard, Kelly Wilson and Tim Wilson wish to purchase the business for \$180,000, which will be seller financed. If approved, Ms. Kinard would own 50%; Kelly Wilson, 49% and Tim Wilson, 1%. The lease was assigned to the LLC on March 1, 2009, and the applicant assumed liability on this date. Monthly rent will be continue to be \$875.56/month, an the lease will expire September, 2010. All documentation has been submitted with the exception of the following:

- a) Payment of outstanding citation for the sale of alcohol to a minor;
- b) Newspaper notice and affidavit;
- c) Payment of \$1500 fine for assuming business without permission;
- d) Promissory note and bill of sale signed by parties;
- e) TABC Report.

Discussion/Action Taken:

Director Elks reviewed the application to the Commissioners and stated the staff had received the newspaper notice and affidavit. Director Elks requested that the citation issued for assuming business without permission be dismissed. Director Elks stated that she had talked with Tim Wilson and he stated that they had made application previously and the sale fell through and has since restarted.

Director Elks recommended approval upon submission of the following documentation:

- a) Payment of outstanding citation for the sale of alcohol to a minor.
- b) Promissory note and bill of sale signed by parties.
- c) TABC Report.

Commissioner Bond made a motion to approve. Commissioner Mathews seconded the motion and it passed with 3 ayes.

**D. JT LIQUORS
ANTIOCH, TENNESSEE (DAVISON COUNTY)**

Licensee/Seller: Brosis, Inc.
Stockholders: Niketa Patel and Tasuben Patel
Applicant: Maickel Saied

Before the Commission is a request for a transfer of ownership of the retail store located at 2723 Murfreesboro Road, in Antioch, Tennessee. Mr. Saied wishes to purchase the business for \$65,000. Financing is based upon personal savings and a loan agreement with the seller. Mr. Saied is leasing the property from Samco Partnership for a period of two years at \$2476/month with a two 5-year options to renew. All documentation has been submitted.

Discussion/Action Taken:

Director Elks reviewed the application to the Commissioners and recommended approval. Commissioner Mathews made a motion to approve. Commissioner Bond seconded the motion and it passed with 3 ayes.

**E. FOX MEADOWS
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Licensee/Seller: Fox Meadows Liquor Store, Inc.
Stockholders: Alexis Joy
Applicant/Buyer: LMEEA, LLC
Member: John Kruse

Before the Commission is a request for a transfer of ownership of the retail business located at 3215 South Mendenhall in Memphis, Tennessee. John Kruse wishes to purchase the business for \$100,000. Financing is based upon a home equity line of credit. The LLC applicant is leasing the property from Bell Properties, Inc. at \$1750/month for a period of one year. All documentation has been submitted.

Discussion/Action Taken:

Director Elks reviewed the application to the Commissioners and recommended approval. Commissioner Bond made a motion to approve. Commissioner Mathews seconded the motion and it passed with 3 ayes.

**F. I-40 LIQUORS
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Licensee/Seller: Cornerstone Capital, Inc.
Stockholder: Joe McCormack
Applicant/Buyer: MPS Liquors, LLC
Stockholder: Micahel Peter Scola, III

Before the Commission is a request for a transfer of ownership of the retail store to be located at 6153 Macon Road in Memphis, Tennessee. Mr. Scola wishes to purchase the assets of the corporate licensee for \$150,000. Financing is based upon existing personal assets. The LLC is leasing the property from LILO, LLC for a period of 5 years at \$1440/month. All documentation has been submitted.

Discussion/Action Taken:

Director Elks reviewed the application to the Commissioners and recommended approval. Commissioner Bond made a motion to approve. Commissioner Mathews seconded the motion and it passed with 3 ayes.

4. BUDGET
5. CONSENT ORDERS
6. PENDING MATTERS LIST

7. MISCELLANEOUS

- **Monthly Activity**

Director Elks issued a summary of the activity of the TABC for the month of September. She stated that the staff had issued 36 new LBD licenses, 3 retail, 1 wholesale license, 60 Special Occasion licenses and 49 Direct Shipment licenses. She stated that the agents conducted 365 inspections of licensed premises, which included new, renewal and routine inspections. Director Elks also stated that 101 citations were issued which resulted in 282 violations. Director Elks stated the agents opened 9 criminal violations.

8. **DATE OF NEXT MEETING** – Thursday, November 19 and Thursday, December 17, 2009 at 1:30 p.m.

John A. Jones
Chairman

Shari Danielle Elks
Executive Director