

**TENNESSEE ALCOHOLIC BEVERAGE COMMISSION**

**MINUTES  
September 23, 2014  
1:30 pm**

The regular meeting of the Tennessee Alcoholic Beverage Commission was held on Tuesday, September 23, 2014, in Nashville, Tennessee at 1:30 pm. Chairperson Mary McDaniel, Commissioner John A. Jones, and Commissioner Kaegi were present. Director Keith Bell, Assistant Director Ginna Winfree, CLEO Mark Hutchens, and Staff Attorney Joshua Stepp were in attendance.

1. **Approval of the August Commission Meeting Minutes - Discussion/Action Taken:** Commissioner Kaegi motioned for approval and Commissioner Jones seconded the motion; motion passed with 3 ayes.

**2. RETAIL**

**A. New Business**

1. **A TO Z SPIRITS  
LAWRENCEBURG, TENNESSEE (LAWRENCE COUNTY)**

Applicant: Deborah L. Hill (50% interest) and Delana Hill Boyle (50% interest); informal partnership  
 Prior: Deborah L. Hill, Dallas E. Hill, Delana H. Boyle; informal partnership

Before the Commission is a request for approval of a transfer of ownership of the retail store located at 117 Weakley Creek Road in Lawrenceburg, Tennessee. Dallas Hill, now deceased, held 1/3 interest in the business and upon his death, the interest vested in his wife, Deborah Hill. Ms. Deborah Hill wishes to transfer a portion of her interest in the business to daughter, Delana H. Boyle. After approval of said transfer, each party will have a 50% interest. The TABC staff recommends approval of this request.

**Discussion/Action Taken:** Commissioner Kaegi motioned for approval and Commissioner Jones seconded the motion; motion passed with 3 ayes. **Update - database updated 9/25/14**

2. **45 PACKAGE STORE  
TRENTON, TENNESSEE (GIBSON COUNTY)**

Applicant: 45 Trenton Inc.  
 Shareholder(s): Narendrakumar Patel, President, 100%  
 Current: 45 Package Store, Incorporated, d/b/a 45 Package Store; Jean Westbrook, 100%

Before the Commission is a request for approval of a transfer of ownership in the establishment located at 2018 US Highway 45 Bypass South. Mr. Patel is investing \$575,000 in the business using personal funds and bank loan in the amount of \$375,000, as verified by TABC staff. The Applicant is purchasing the business and property from Jean Westbrook for \$225,000<sup>1</sup>.

Mr. Patel also owns Lynnwood Wine & Spirits (permit #3919) located at 953 North Parkway in Jackson, Tennessee, and is applying to own a second retail store pursuant to Tenn. Code Ann. § 57-3-406 (2014) allowing a retail licensee to hold more than one retail license provided that “no retail licensee shall hold more than fifty percent (50%) of the licenses authorized for issuance in such municipality or county. The TABC staff recommends approval of this application conditioned upon receipt of the following:

<sup>1</sup> In accordance with Tennessee law, Sellers are to transfer title and possession of the liquor inventory to the applicant via TABC licensed wholesalers' involvement.

- a. Agent Investigation/Report
- b. Acknowledgement of TABC Rules/Regulations
- c. Documentation that transfer of ownership of retail licensee will not permit applicant to hold more than 50% of approved licenses in Trenton, TN
- d. \$850.00 License Fee

INSPECTION &  
ACKNOWLEDGEMENT RECEIVED

**Discussion/Action Taken:** Commissioner Jones motioned for conditional approval and Commissioner Kaegi seconded the motion; motion passed with 3 ayes. Conditional approval subject to receipt of missing items. **Update – License #3957 Issued 9/25/14**

**3. EBENSZER’S LIQUORS & WINES  
CLARKSVILLE, TENNESSEE (MONTGOMERY COUNTY)**

Applicant: Peter H. Martin, sole proprietor

Before the Commission is a request for approval of renovations of the retail store located at 2896 Wilma Rudolph Blvd. in Clarksville, Tennessee. Plans include the removal of an existing wall to incorporate beer and additional items. The TABC staff recommends conditional approval of this application pending receipt of the following items:

- a. TABC Final Inspection
- b. Use & Occupancy Certificate after build-out is complete
- c. Per TABC Rule 0100-03-.13(13) licensees must maintain full compliance with all Tennessee laws, therefore, applicants seeking to sell “additional items,” as authorized by P.C. 554, 2014, are required to be properly permitted by all relevant Tennessee State Agencies, including, but not limited to, the Dept. of Agriculture.

**Discussion/Action Taken:** Commissioner Kaegi motioned for motioned for conditional approval and Commissioner Jones seconded the motion; motion passed with 3 ayes. Conditionally approved subject to receipt of any missing items.

**4. WAYNE’S WINE & LIQUOR  
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Applicant: KOBA Enterprises, LLC

Applicant, LLC is requesting the Commission’s approval to expand the premises of the retail store located at 8485 Hwy 64, Ste. 103 in Memphis, Tennessee. Upon approval, a walk-in cooler will be installed, adding approximately 211 sq. ft. to the store. The TABC staff recommends approval of this request pending receipt of the following:

- a. Certificate of Occupancy from local authority after build-out is complete
- b. Per TABC Rule 0100-03-.13(13) licensees must maintain full compliance with all Tennessee laws, therefore, applicants seeking to sell “additional items,” as authorized by P.C. 554, 2014, are required to be properly permitted by all relevant Tennessee State Agencies, including, but not limited to, the Dept. of Agriculture.

**Discussion/Action Taken:** Commissioner Jones motioned for conditional approval and Commissioner Kaegi seconded the motion; motion passed with 3ayes. Conditionally approved subject to receipt of any missing items. **Update – received Certificate of Occupancy; waiting TABC final inspection**

**5. ARTHUR’S WINE AND LIQUOR  
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Applicant: LINNE Inc.  
 Shareholders: Robert D. Linne, President, 50%  
                     Diane M. Linne, Secretary/Treasurer, 50%  
 Seller, Current Licensee: Cellermasters Partners  
 Buyer, Proposed Licensee: Linne Inc.

Before the Commission is a request for approval of transfer of ownership in the retail business located at 5475 Poplar Avenue, Memphis, Tennessee. Linne, Inc. plans to purchase the business assets from Cellarmasters Partners for \$725,000<sup>2</sup>. The Linne's are investing 325k of personal funds into the business and will obtain the remainder through seller financing, at 7% interest. Applicant is leasing the premises from Endeavor Group, LLC for approximately \$10,900, payable per month. The TABC staff recommends conditional approval of this request pending receipt of the following:

- a. Agent Investigative Report
- b. TABC Agent Inspection
- c. Acknowledgement of TABC Rules & Regulations
- d. \$850.00 License Fee

**Discussion/Action Taken:** Commissioner Kaegi motioned for conditional approval and Commissioner Jones seconded the motion; motion passed with 3 ayes. Conditionally approved subject to receipt of any missing items. **Update – License # 3958 issued 9/29/14**

#### 6. OLD FORT LIQUOR & WINE MURFREESBORO, TENNESSEE (RUTHERFORD COUNTY)

Applicant: Cason Liquor, Inc.

Before the Commission is a request for approval of an expansion of the retail store located at 144 Cason Lane in Murfreesboro, Tennessee. Applicant plans to remove walls to combine the beer and liquor store spaces. Applicant is also requesting permission to store inventory on the second floor, currently used as office space. The TABC staff recommends approval of this request.

**Discussion/Action Taken:** Commissioner Kaegi motioned for approval and Commissioner Jones seconded the motion; motion passed with 3 ayes. **Update – 10/9/2014, received Certificate of Occupancy and inspection requested**

#### 7. VINTAGE WINE AND SPIRITS MOUNT JULIET, TENNESSEE (WILSON COUNTY)

Applicant: GJ Partners, LLC

Members: Joshua B. Johnson, Managing Member, 33.33%  
Charles G. Johnson, Member, 66.66%

Before the Commission is a request for licensing of a retail store to be located at 15255 Lebanon Road in Mt. Juliet, Tennessee. Financing for the business will come from a bank loan in the amount of approximately \$2.4 million (Prime Rate + 1.75%). Charles Johnson is investing \$250,000 of personal funds, and Applicant, LLC is also borrowing \$200,000 from Steven Johnson based on an 8% interest rate. The Applicant is leasing the premises for the business from G & J Holdings, LLC for an initial term of 10 years for an annual rental of \$178,000; rent will increase to \$196,000 beginning year six. The TABC staff recommends conditional approval of this application pending receipt of the following items:

- a. TABC Inspection
- b. Acknowledgment of TABC Rules & Regulations
- c. Certificate of Occupancy
- d. ~~\$850.00 License Fee~~ **Update: License fee received 9-19-14, receipt #13109412**
- e. ~~Joshua B. Johnson's surrender of wholesaler card and proof of separation from Horizon Wine & Spirits~~  
**Update: wholesaler card turned in and letter of separation form Horizon received**

**Discussion/Action Taken:** Commissioner Kaegi motioned for conditional approval and Commissioner Jones seconded the motion; motion passed with 3 ayes. Conditionally approved subject to receipt of any missing items.

<sup>2</sup> In accordance with Tennessee law, Sellers are to transfer title and possession of the liquor inventory to the applicant via TABC licensed wholesalers' involvement.

**8. RIVERSTONE WINE & SPIRITS  
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: James Paul Little

Before the Commission is a request for licensing of the retail store to be located at 2282 Lebanon Pike in Nashville, Tennessee. Applicant, sole proprietor, is investing \$100,000 of personal funds into the business. The applicant is leasing the premises from VRS Crossings, LLC for approximately \$6,000 per month.

The TABC staff recommends approval of this application. **See Addendum**

**Discussion/Action Taken:** Director Bell recommended the matter be continued to the October Commission Meeting. Commissioner Jones motioned to continue to the October 28, 2014 Commission Meeting, Commissioner Kaegi seconded the motion; motion passed with 3 ayes.

---

**3. WINERIES - None**

---

**4. FARM WINERIES – None**

---

**5. WHOLESALE MATTERS**

**A. NEW BUSINESS**

**1. AJAX TURNER COMPANY  
LAVERGNE, TENNESSEE (RUTHERFORD COUNTY)**

Applicant: Ajax Turner Co., Inc.

Shareholders: Jack B. Turner, Chairman, 30%; D. Scott Turner, President, 25%; Jill T. Crow, Secretary & Treasurer, 25%; Todd D. Williams, Executive Vice President, 20%

Before the Commission is a request for licensing of the wholesale business located at 4010 Centrepointe Way, LaVergne, Tennessee. No funds are planned to be invested as the applicant is already established as a beer wholesaler. Ajax Turner Properties is leasing the premises to the applicant for an initial 10 year term with a \$48,000 monthly rental to increase to \$52,000 by year 10. The TABC staff recommends approval of this request conditioned upon receipt of the following:

- a. TABC Agent Report/Inspection
- b. Acknowledgement TABC Rules/Regulations
- c. ~~\$3,000 License Fee~~ **Update: Received 9-22-14, Receipt # 13117411**

**Discussion/Action Taken:** Commissioner Kaegi motioned for conditional approval subject to receipt of missing items and Commissioner Jones seconded the motion; motion passed with 3 ayes. **Update: License # 33 issued 9/25/2014**

---

**2. KNOXVILLE BEVERAGE  
KNOXVILLE, TENNESSEE (KNOX COUNTY)**

Applicant: Knoxville Beverage Company, Inc.

Current: Michael B. Milner, 88%

Megan Milner, Trustee (Michael B. Milner Irrevocable Trust), 6%

Julie K. Dukes, Trustee (Michael B. Milner Irrevocable Trust), 6%

Proposed: Eagle Holdings, Inc. - Raymond Hand, Chairman of the Board, 0.0057%; Raymond D. Hand, Trustee for the Joseph Bruce Irrevocable Trust, 33.33%; Lucy M. Hand, Trustee for the Qualified Subchapter S Irrevocable Trust for the Benefit of Elizabeth Turner Hand Craig, 33.33%; Lucy M. Hand, Trustee for the Qualified Subchapter S Irrevocable Trust for the Benefit of Kimberly Virginia Hand, 33.33%.

Before the Commission is a request for approval to transfer the complete stock ownership of Knoxville Beverage to Eagle Holdings, Inc., a corporation registered in the State of Tennessee. The stock transfer is expected to occur October 31, 2014. The TABC staff recommends approval of this request.

**Discussion/Action Taken:** Commissioner Jones motioned for approval and Commissioner Kaegi seconded the motion; motion passed with 3 ayes. Approved.

**3. BONUS BEV  
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: Bonus Bev, LLC

Members	Current	Proposed
Kurt Strickmaker	60%	15%
Wally Dant	15%	37.5%
Juan Vallarino	15%	37.5%
Stephen Schultenover	10%	10%

Applicant, LLC is requesting approval of a transfer of ownership percentages among its owners. Mr. Dant and Mr. Vallarino plan to infuse \$200,000 into the company upon the change. The TABC staff recommends approval of this request.

**Discussion/Action Taken:** Commissioner Jones motioned for approval and Commissioner Kaegi seconded the motion; motion passed with 3 ayes. **Update–database updated 9/26/2014**

**4. HARPETH RIVER BRANDS  
COLUMBIA, TENNESSEE (~~DAVIDSON COUNTY~~)\*\*\*\* Columbia, Tennessee is located in Maury County**

Applicant: Harpeth River Brands, LLC  
 Members: Dennis C. Bottorff, 2%  
           Christian T. Bottorff, 49%  
           Dennis Chadwick Bottorff, 49%

Before the Commission is a request for licensing of a wholesale business to be located at 102A Bear Commerce Drive in Columbia, Tennessee. The Bottorff's are investing approximately \$10,000 of personal funds into the business and have entered into an agreement with OBC Partners, LLC to lease the premises for \$850.00, payable per month, based on an initial term of one year. The TABC staff recommends conditional approval of this request pending receipt of the following items:

- a. Federal Basic Permit
- b. TABC Inspection
- c. Acknowledgement of TABC Rules & Regulations

**Discussion/Action Taken:** Commissioner Kaegi motioned for conditional approval and Commissioner Jones seconded the motion; motion passed with 3 ayes. Conditionally approved subject to receipt of any missing items.

**5. EVERSON COMPANIES, LLC  
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

Applicant: Everson Companies, LLC  
 Member(s): David Everson, 100%

Before the Commission is a request for licensing of the wholesale business located at 468 N. Bellevue in Memphis, Tennessee. David Everson is investing \$1,000 of personal funds into the business. Applicant, LLC is leasing the premises from Corporate Air, Inc. for \$600.00 annually based on an initial one year term.

The TABC staff has concerns with Mr. Everson's eligibility to hold a license to sell alcoholic beverages at wholesale in Tennessee. Mr. Everson is employed as an accountant for the Shelby County Government. Pursuant to T.C.A. 57-3-210(b)(1)<sup>3</sup> - no wholesaler's or retailer's license shall be issued to a person who is a holder of a public office.

<sup>3</sup> Tenn. Code Ann. §57-3-210(b)(1)- No wholesaler's or retailer's license shall be issued to a person who is a holder of a public office, either appointive or elective, or who is a public employee, either national, state, city or county. It is unlawful for any such person to have any interest in such wholesale or retail business, directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or to participate in the profits of any such business;

Applicant's Compliance with 57-3-404(f) poses a separate concern. Everson's facility is essentially a 10' by 10' walk-in cooler located within the warehouse of a separate business. T.C.A. § 57-3-404(f) reads:

No wholesale or retail store shall be located except on the ground floor, and it may have two (2) main entrances opening on a public street, and such place of business shall have no other entrance for use by the public except as hereafter provided. When a wholesale or retail store is located on the corner of two (2) public streets, such wholesale or retail store may maintain a door opening on each of the public streets. Any sales room adjoining the lobby of a hotel or other public building may maintain an additional door into such lobby so long as same shall be open to the public. **Every wholesale and retail store shall be provided with whatever entrances and exits may be required by existing or future municipal ordinances. When the location of a wholesale or retail liquor store is authorized to be located or operated within an established shopping center or shopping mall, and such liquor store cannot and does not have a main entrance or door opening onto a public street, but the main entrance or door would open or front on a shopping center parking area, the commission in its discretion may approve the issuance of a liquor license to cover such location within the shopping center or shopping mall, irrespective of the fact that the main entrance or door does not or would not open onto a public street.**

The TABC staff recommends that this application be continued to the next Commission meeting scheduled October 28, 2014 in order to allow applicant the opportunity to resolve any and all disqualifying issues currently existing, if possible.

**Update: We have received documents re: selling his interest to his wife**

**Discussion/Action Taken:** Commissioner Jones motioned to continue the matter until the October 2014 Commission Meeting and Chairperson McDaniel seconded the motion; motion passed with 3 ayes.

**6. DISTILLERY**

**A. NEW BUSINESS**

**1. BOOTLEGGERS DISTILLERY  
HARTFORD, TENNESSEE (COCKE COUNTY)**

Applicant: Bootleggers LLC  
 Members: Darrell Miller, President, 50%  
 Lori Miller, Vice President, 50%

Before the Commission is a request for licensing of a distillery to be located at 3567 Hartford Road in Hartford, Tennessee. Darrell and Lori Miller are investing \$35,000 of personal funds into the business. The applicant entered into an agreement to lease the premises from Greiner Family, LLC for an initial five year term based on a monthly rental of \$1,250. The TABC staff recommends approval of this application conditioned upon receipt of the \$1,000 license fee.

**Update: License fee received 9-22-14, Receipt # 13112702**

**Discussion/Action Taken:** Commissioner Jones motioned for approval and Commissioner Kaegi seconded the motion; motion passed with 3 ayes. **Update – License # 112 issued 9/29/2014**

**7. BREWERY**

**A. NEW BUSINESS**

**1. BLACKHORSE PUB & BREWERY, BLACKHORSE BREWERY  
KNOXVILLE, TENNESSEE (KNOX COUNTY)**

Applicant: FSC, LLC  
 Members: Jeffery K. Robinson, 50%  
 Sherri L. Robinson, 50%

Before the Commission is a request for licensing of a brewery located at 4429 Kingston Pike in Knoxville, Tennessee. The brewery is located in the Blackhorse Pub & Brewery, LBD Permit #303991. Applicant, LLC is leasing the premises

from WP General Partnership based on an annual rental of \$81,000 until 2016, and will increase to \$85,500 until the lease terminates in 2018. There are two options to renew. The TABC staff recommends conditional approval of this request pending receipt of a \$1,000 license fee.

**Discussion/Action Taken:** Commissioner Jones motioned for conditional approval subject to receipt of the license fee and Commissioner Kaegi seconded the motion; motion passed with 3 ayes. **Update – License # 111 issued 9/25/2014**

8. PRIVATE CLUBS

A. NEW BUSINESS

1. VARIETY CLUB OF MEMPHIS  
MEMPHIS, TENNESSEE (SHELBY COUNTY)

Applicant: Variety Club of Memphis  
Steven E. Schwartz – President

Before the Commission is a request for approval for the Variety Club of Memphis Tent 20 to transfer from 1648 Sycamore View Rd. in Memphis, to 5796 Shelby Oaks Dr., Suite 7 R, also in Memphis. Applicant is leasing the premises from Golan Family Trust for an initial term of 128 months. Rent for months 1-24 will be \$2,500 per month and will increase to \$3,100 month by months 49-128. The TABC staff recommends conditional approval of this request pending receipt of the following:

- a. Address on bond needs to be changed to new location

**Discussion/Action Taken:** Commissioner Jones motioned for conditional approval and Commissioner Kaegi seconded the motion; motion passed with 3 ayes. Conditionally approved subject to receipt of missing item.

9. BUDGET- None

10. PENDING MATTERS LIST

A. Commission Meeting Dates for the 2014 calendar year  
-October 28, 2014

B. Set Meeting Date for November

C. Upcoming Commission Meeting Dates

- October 28, 2014
- November 18, 2014
- December 16, 2014

11. PERSONNEL-NONE

12. DATE OF NEXT MEETING — October 28, 2014

APPROVED FOR ENTRY UPON THE MINUTE BOOKS OF THE TENNESSEE ALCOHOLIC BEVERAGE COMMISSION  
THIS THE 28<sup>th</sup> DAY OF OCTOBER, 2014.

Mary McDaniel  
Chairperson

Keith Bell  
Executive Director

