

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

**Minutes
November 19, 2013
1:30 pm**

The regular meeting of the Tennessee Alcoholic Beverage Commission was held on Tuesday, November 19, 2013 in the headquarters offices in Nashville, Tennessee at 1:30 p.m. Commission Chairperson Mary McDaniel, Commissioner John A. Jones and Commissioner Bryan Kaegi were present. Director E. Keith Bell, Assistant Director Ginna Winfree, CLEO Mark Hutchens, and Staff Attorney Joshua Stepp were present.

1. **Minutes for the November 19, 2013 Commission Meeting were approved.** Commissioner Jones motioned to add the Addendum to the Agenda. Commissioner Kaegi seconded the motion. Motioned passed with 3 ayes.

2. **RETAIL**

- A. **NEW BUSINESS**

1. **JOHN B DENNIS DISCOUNT PACKAGE STORE
KINGSPORT, TENNESSEE (SULLIVAN COUNTY)**

Applicant: John D. Cox
Sole Proprietorship

Before the Commission is a request for a transfer of ownership in the retail store located at 2716 N. John B Dennis Highway, Kingsport, Tennessee. If approved by the commission, Mr. Cox will assume 100% ownership in John B Dennis Discount Package Store as well as the real property of the store due to the passing of his father, Phillip King Cox on January 19, 2013 as noted in the Last Will and Testament of Phillip K. Cox. The current owner is the Estate of Phillip K. Cox; with John D. Cox as the Executor. All documentation and agency requirements have been submitted.

The TABC staff recommends approval of this application.

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended approval.

Commissioner Jones made a motion to approve the transfer of ownership in the existing retail store. Commissioner Kaegi seconded the motion and the motion passed with 3 ayes.

Data Base Updated 11/22/2013

**2. ALCOA HIGHWAY LIQUORS – continued from October
KNOXVILLE, TENNESSEE (KNOX COUNTY)**

Applicant: Saadike, Inc.
d/b/a Alcoa Highway Liquors
Stockholder(s): Adnam Mohammad (Pres. 100%)

Before the Commission is a request for a transfer of ownership in an existing retail store located at 3105 Alcoa Highway, Knoxville, Tennessee 37920. Mr. Mohammad's corporation, Saadika, Inc. (Buyer) is seeking to purchase the assets of the business currently known as Alcoa Highway Liquors, Incorporated (Seller) from its 100% shareholder and president, Andrea Dykes Davis for the purchase price of \$50,000.00 plus the total value of the business' inventory. In accordance to Tennessee law, Seller is to transfer title and possession of the liquor inventory to the Business' wholesalers for credit from wholesalers to Seller. The business includes all racks, shelving, computers, POS software, coolers, furniture, decorations and signage. Buyer has previously paid seller, as earnest money, the sum of \$3,500.00 upon signing the purchase agreement as a deposit toward the purchase price, the remaining balance is payable upon approval of Buyer/applicant, Saadika, Inc.'s, d/b/a ALCOA HIGHWAY LIQUORS, liquor license. ADNAM MOHAMMAD will be investing \$200,000.00 to operate the store based on a \$28,492.00 personal loan with Regions Bank, a \$30,708.00 car loan with ORNL, a \$81,800.00 home equity line of credit with Home Federal Bank secured by the real property owned jointly as tenants by the entirety by ADNAM MOHAMMAD and his wife, SALIMA MOHAMMAD, a \$25,000.00 loan from ADNAM MOHAMMAD's Western Reserve Life Insurance Policy, SALIMA MOHAMMAD, primary beneficiary, a \$25,000.00 loan from uncle-in-law, Alauddin Bhimani, and a \$9,000.00 loan from father-in-law Abdul Rahim Bhimani as verified by the TABC staff. The property lease agreement will be between the applicant SAADIKA, INC., and Chu Brothers Partnership for a term of five (5) years three (3) months for \$2,000.00 per month. The terms shall commence on 10/01/2013 or the day the applicant is approved for their liquor license with the TABC whichever is later. This lease shall be renewable for additional periods of: 1st renewal period – five (5) years with a 10% increase; 2nd renewal – five (5) years with a 10% increase, unless written notice of termination is received no later than ninety (90) days prior to the end of the expiring period. All documentation has been provided, however, a violation of T.C.A. § 57-3-406(a) would exist if this application was approved in as much as

SALIMA MOHAMMAD, sole member of Rajab, LLC d/b/a Merchants Liquor Store would have a direct interest in the retail liquor business of her husband, ADNAM MOHAMMAD, through secured loans, real property and business mailing address.

The TABC staff does not recommend approval of this application. The applicant is in violation of T.C.A. § 57-3-406(a), he is receiving a \$9,000.00 loan from an owner of a retail store.

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended denial of the application.

Commissioner Jones made a motion to deny the transfer of ownership in the existing retail store. Commissioner Kaegi seconded the motion and the motion passed with 3 ayes.

**3. CAMDEN LIQUOR
CAMDEN, TENNESSEE (BENTON COUNTY)**

Applicant: OM Shivay Corporation
Stockholder(s): Binal J. Patel, President (100%)

Before the Commission is a request to utilize an existing cellar as storage for alcohol. The retail store is located at 151A Highway 641N, Camden, Tennessee. Mr. Patel is requesting to use a storage cellar that is located next to the register. There is only one way in and one way out and it will not be accessible to the public. The cellar size is 273 sq. ft.; it has been painted and cleaned. All documentation has been provided with the exception of the following:

- a. TABC Inspection to ensure the storage area meets all requirements.

The TABC staff recommends approval of this application upon receipt of the inspection.

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended approval.

Commissioner Kaegi made a motion to approve applicant's request to utilize the retail store's existing cellar as

storage. Commissioner Jones seconded the motion and the motion passed with 3 ayes.

Storage approval noted in licensee's file 11/20/2013

**4. CHAMPION DISCOUNT LIQUOR
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: Champion Discount Liquor, Inc.
Stockholder(s): Teresa Ragheb, President (97%)
Emad Kaldess, V. President (3%)

Proposed Stockholder(s): Teresa Ragheb, President (100%)

Before the Commission is a request for a change of stockholders/members in the retail store located at 152 Donelson Pike, Nashville, Tennessee. Mr. Emad Kaldess is giving his 3% of stock ownership of Champion Discount Liquor, Inc. to his wife, Teresa Ragheb. All documentation has been provided.

The TABC staff recommends approval of this application upon receipt of license fee and missing documentation.

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended approval.

Commissioner Kaegi made a motion to approve the request for a change of stockholders/members in the retail store. Commissioner Jones seconded the motion and the motion passed with 3 ayes.

Data Base Updated 12/3/2013

**5. HILLTOP WINE & SPIRITS
OAKLAND, TENNESSEE (FAYETTE COUNTY)**

Applicant: W & E Enterprises, LLC
Member(s) Lisa Dawn Walls, President (100%)

Proposed Member(s): Lisa Dawn Walls, President (90%)
Justin Reed Walls, Sec/Treas (10%)

Before the Commission is a request for a transfer of location of the existing retail store currently located at 8220 Hwy 64, Oakland, Tennessee to a new location at 7034 Hwy. 64, Oakland, Tennessee. This change of address is in the heart of Oakland and has 20% - 30% more traffic than the other location. All documentation has been provided except:

a. TABC Inspection

The TABC staff recommends approval of this application upon receipt of the TABC Inspection.

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended approval.

Commissioner Jones made a motion to approve applicant's request for a transfer of location of the existing retail store. Commissioner Kaegi seconded the motion and the motion passed with 3 ayes.

Data Base Updated and License issued with new address 12/16/2013

**6. HILBILLY LIQUOR & WINE
CAMDEN, TENNESSEE (BENTON COUNTY)**

Applicant: Thomas E. Miller.
Sole Proprietorship

Before the Commission is a request for a new retail store located at 211 Hwy 641 N, Camden, Tennessee. Mr. Miller will be investing \$50,000.00 to operate the store based on an Inheritance and Savings at First Bank, Camden, TN as verified by TABC staff. Mr. Miller currently owns the property where the store will be located as verified by the Quitclaim Deed. All documentation has been provided with the exception of the following:

- a. TABC Inspection
- b. Acknowledgement of the TABC Rules & Regs.
- c. \$850.00 License Fee

The TABC staff recommends approval of this application upon receipt of the missing documents and the license fee.

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended approval.

Commissioner Kaegi made a motion to approve the request for a new retail store located at 211 Hwy 641 N, Camden, Tennessee. Commissioner Jones seconded the motion and the motion passed with 3 ayes.

License issued 11/20/2013

3. **WHOLESALEERS**
4. **DISTILLERY**
5. **FARM WINERIES**
6. **PRIVATE CLUBS**
7. **BUDGET**
8. **PENDING MATTERS LIST**
 - A. **Commission Meeting Dates for the 2014 calendar year**
9. **PERSONNEL**
10. **DATE OF NEXT MEETING** – The December Commission Meeting date has already been set for Tuesday, December 17, 2013 at 1:30 p.m.

**ADDENDUM
NOVEMBER 19, 2013 COMMISSION MEETING
1:30 p.m.**

1. **RETAIL**
 - A. **NEW BUSINESS**
 1. **SIMPLY WINE & SPIRITS
MADISONVILLE, TENNESSEE (MONROE COUNTY)**

Applicant: SIMPLY WINE & SPIRITS, LLC
Member(s): Current:
Elizabeth Plemons, Partner (33.33%)
Jimmy Russell, Partner (33.33%)
Rhonda Russell, Partner (33.33%)

Proposed:
Jimmy Russell, Partner (50%)
Rhonda Russell, Partner (50%)

Before the Commission is a request for a change of stockholders/members of the retail store located at 3926 Highway 411, Madisonville, Tennessee. Ms. Elizabeth Plemons relinquished her

33.33% ownership in Simply Wine & Spirits, LLC to her daughter, Rhonda Russell, and her son-n-law, Jimmy Russell, for no charge. Ms. Plemons decided due to age and retirement to walk away from ownership of Simply Wine & Spirits, LLC. All documentation has been provided.

The TABC staff recommends approval of this application.

Discussion/Action Taken:

Director Bell reviewed the matter to the Commission and recommended approval.

Commissioner Jones made a motion to approve the request for a change of stockholders/members in the retail store. Commissioner Kaegi seconded the motion and the motion passed with 3 ayes.

Data Base Updated 12/12/2013



Mary McDaniel
Chairperson



E. Keith Bell
Director