

**TENNESSEE ALCOHOLIC BEVERAGE COMMISSION**

**MINUTES  
September 24, 2013  
1:30 pm**

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The regular meeting of the Tennessee Alcoholic Beverage Commission was held on Tuesday, September 24, 2013 in Nashville, Tennessee at 1:30 p.m. Chairperson Mary McDaniel, Commissioner John Jones and Commissioner Bryan Kaegi were present. Executive Director, E. Keith Bell, Assistant Director Ginna Winfree, CLEO, Mark Hutchens, and Staff Attorney, Joshua Stepp, were present.

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1. **Minutes for August 27, 2013 Commission Meeting were approved. Commissioner Jones motioned to add the Addendum to the Agenda. Commissioner Kaegi seconded the motion. It passed with 3 ayes.**

2. **RETAIL**

- A. **NEW BUSINESS**

1. **79 SPIRITS & WINE  
MCKENZIE, TENNESSEE (CARROLL COUNTY)**

**Applicant:** WILLIAM C DILLAHUNTY (50%)  
BARRY A DILLAHUNTY (50%)

**Formal Partnership**

Before the Commission is a request for a new retail store located at 17833 Highland, McKenzie, Tennessee. Mr. William Dillahunty and Mr. Barry Dillahunty provided a joint commercial promissory note in the amount of one hundred twenty six thousand and eighty dollars (\$126,080.00) with Carroll Bank & Trust to operate the store as verified by the TABC staff. William C. Dillahunty and Barry A. Dillahunty will be leasing the property from Brooxie Dillahunty and Kimberly Dillahunty for an initial term of ten (10) years with an option of two (2) additional ten (10) year terms. The rent will be \$10.00 a month for the initial term (years (1-10). During the renewal terms the rent will increase to \$15.00 per month. All documentation and agency requirements have been submitted with the exception of the following:

- a. TABC Agent Inspection
- b. Certificate of Occupancy
- c. \$850.00 License Fee

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

**Discussion/Action Taken:**

Director Bell reviewed the matter to the Commission and recommended approval upon receipt of the missing items and license fee.

Commissioner Kaegi made a motion to approve upon receipt of the missing documentation and license fee. Commissioner Jones seconded the motion and it passed with 3 ayes.

**UPDATE:** There is no update available at this time, items still pending.

**2. PARKWAY WINE AND LIQUOR  
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

**Applicant:** Wine and Spirits Oasis, LLC

**Member(s):** Rahul Saigal (CEO 50%)  
Chhaya Saigal (President 50%)

Before the Commission is a request for a change in ownership of the retail store located at 420 S. Germantown Pkwy, Memphis, Tennessee. Wine and Spirits Oasis, LLC will be purchasing the store from Dina's Enterprises, LLC for an agreed upon purchase price of three hundred thousand dollars (\$300,000.00) with fifteen thousand dollars earnest money due upon execution of the Purchase and Sale Agreement, leaving a balance of two hundred eighty five thousand dollars (\$285,000.00) due at the time of closing. Mr. & Mrs. Saigal will be investing four hundred and forty five thousand dollars (\$445,000) to operate the business based on an SBA 7a Loan with Synovus SBA Lending and personal funds with Trust One Bank as verified by the TABC staff. **Details of the lease are currently not available.** All documentation and agency requirements have been submitted with the exception of the following:

- a. Executed copy of lease agreement
- b. Executed copy of loan documents
- c. Executed copy of loan statement
- d. \$850.00 License Fee
- e. Executed Closing Statement

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 upon receipt of the missing items and license fee.

Commissioner Kaegi made a motion to approve upon receipt of the missing documentation and license fee. Commissioner Jones seconded the motion and it passed with 3 ayes.

**UPDATE:** There is no update available at this time, items still pending.

**3. ELITE WINE & SPIRITS  
CLARKSVILLE, TENNESSEE (MONTGOMERY COUNTY)**

**Applicant:** CRM Liquors, LLC  
**Member(s):** Calvin R. McKay (100%)

Before the Commission is a request for a new retail store located at 1820 Madison Street, Suite G, Clarksville, Tennessee. Mr. McKay will be investing eighty thousand dollars (\$80,000.00) to operate the store based on his personal checking account with Planters Bank as verified by the TABC staff. CRM Liquors, LLC d/b/a Elite Wine and Spirits will be leasing the property from Madison Square Partnership. The initial term of this lease is three (3) years commencing December 1, 2013 and expiring November 30, 2016 at a monthly rate of six thousand dollars (\$6,000.00). The applicant has the option to renew for one additional three (3) year term equal to the monthly rental for the initial term increased by the percentage increase, if any, in the CPI; provided, however, that such increase shall not be more than 3.0% of the initial term's annual rental. All documentation has been provided with the exception of the following:

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

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

**Discussion/Action Taken:**

Mr. Calvin McKay and Attorney, Will Cheek, were in attendance. Director Bell reviewed the matter to the Commission and recommended a conditional approval until the remaining alcoholic beverages left in the store from the previous owner are picked up by the wholesalers and all of the non-saleable alcohol provided to the TABC to be destroyed. Once the conditions are met of the conditional approval the license can be issued upon receipt of the missing items and license fee.

Commissioner Kaegi made a motion to approve the conditional approval and issuance of the licensee upon receipt of the missing documentation and license fee. Commissioner Jones seconded the motion and it passed with 3 ayes.

**UPDATE:** All conditions have been met and the retail license was issued 10/11/13.

**4. AMERICAN WINE & SPIRITS  
COOKEVILLE, TENNESSEE (PUTNAM COUNTY)**

**Applicant:** American Wine & Spirits, LLC  
**Member(s)** Danny N. Brooks (100%)

Before the Commission is a request for an expansion of the retail store located at 932 E. 10<sup>th</sup> Street, Suite C, Cookeville, Tennessee. Mr. Brooks wishes to add to the expansion that was completed October, 2011. The area is accessible from the current storage room and all on the same floor. There is no entry from the outside of the building directly into the current or proposed storage area. 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 of this application for expansion.

Commissioner Kaegi made a motion to approve. Commissioner Jones seconded the motion and it passed with 3 ayes.

**UPDATE:** The application requesting to expand was approved.

**5. O'GRADY'S WINE & SPIRITS  
WOODBURY, TENNESSEE (CANNON COUNTY)**

**Applicant:** Jana Reigle  
**Sole Proprietorship**

Before the Commission is a request for a new retail store located at 115 South McGrary Street, Woodbury, Tennessee. Jana Reigle will be investing one hundred thousand dollars (\$100,000.00) to operate the store based on stocks to be sold held with Edward Jones Investments. The property lease agreement will be between the applicant, Jana George Reigle, and O'Grady's Wine and Spirits for a term of twenty (20) years at one thousand dollars (\$1,000.00) per month for the first year with a ten percent (10%) increase per year for the remaining nineteen

(19) years. All documentation has been provided with the exception of the following:

- a. Acknowledgement of TABC Rules & Regulations
- b. TABC Inspection
- 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:**

Jana Reigle was in attendance. Director Bell reviewed the matter to the Commission and recommended approval of this application upon receipt of the missing documentation and license fee.

Commissioner Kaegi made a motion to approve upon receipt of the missing documentation and license fee. Commissioner Jones seconded the motion and it passed with 3 ayes.

**UPDATE:** There is no update at this time, items still pending.

**6. TRI-LIQUOR  
PINEY FLATS, TENNESSEE (SULLIVAN COUNTY)**

**Applicant:** Tri-Liquor, LLC  
**Member(s)** Chris Joker (100%)

Before the Commission is a request for a new retail store located at 6681 Bristol Highway, Suite A, Piney Flats, Tennessee. Mr. Joker will be investing fifty thousand dollars (\$50,000.00) to operate the business based on a personal loan from Bruce and Georgia Leinster (mother of Chris Joker and mother's husband) as verified by the TABC staff. The lease for the property where the store will be located is by and between, K-VA-T Food Stores, Inc. and Chris Joker d/b/a Tri-Liquor, LLC for an initial term of five (5) years at a rental rate of two thousand nine hundred and twenty five dollars (\$2,925.00) per month. The applicant will have the option to renew for two (2) extended rental terms at five (5) years each. For the "First Extended Term" the monthly lease rate will be three thousand seventy one dollars and twenty five cents (\$3,071.25), the lease rate for the "Second Extended Term" will be three thousand two hundred twenty four dollars and eighty one cents (\$3,224.81) per month. The owner of the property, K-VA-T Food Stores, Inc. notified the TABC of an address discrepancy. When the Certificate of Compliance was applied for and approved; the address was 5970 Hwy 11-E, Piney Flats. The address was later changed to 6681 Bristol Highway, Suite A, Piney Flats by Sullivan County 911. All documentation has been provided with the exception of the following:

- a. \$850.00 License Fee - **received**
- b. Certificate of Occupancy (expected 9/23/13) - **received**

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

**Discussion/Action Taken:**

Director Bell reviewed the matter to the Commission and recommended approval of this application upon receipt of the missing document and license fee.

Commissioner Jones made a motion to approve upon receipt of the missing documentation and license fee. Commissioner Kaegi seconded the motion and it passed with 3 ayes.

**UPDATE:** All pending items received, license issued 9/25/13.

**7. CROCKER'S FINE WINES & LIQUORS  
CLARKSVILLE, TENNESSEE (MONTGOMERY COUNTY)**

**Applicant:** Timothy W. Crocker  
**Sole Proprietorship**

Before the Commission is a request to expand the retail store located at 224 Dover Road, Clarksville, Tennessee. Mr. Crocker is wishing to expand his store to add more space to accommodate a growing business. There will be a door between the existing licensed space and the expansion. There will be a wall with no doors between the expansion area and an area leased by another tenant. All documentation has been provided.

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

**Discussion/Action Taken:**

Director Bell reviewed the matter to the Commission and recommended approval of this application to expand.

Commissioner Kaegi made a motion to approve. Commissioner Jones seconded the motion and it passed with 3 ayes.

**UPDATE:** The application requesting to expand was approved.

**8. MAPLE GROVE WINES AND LIQUORS  
UNICOI, TENNESSEE (UNICOI COUNTY)**

**Applicant:** Jerry Wayne Vance  
**Sole Proprietorship**

Before the Commission is a request for a new retail store located at 1209 Gouge Road, Unicoi, Tennessee. Mr. Vance reports that he will be investing four hundred thousand dollars (\$400,000.00) to operate the business from several sources; two hundred forty nine thousand dollars (\$249,000.00) from Renasant Bank, sixty five thousand dollars (\$65,000.00) from money market account, forty six thousand dollars (\$46,000.00) from a Modern Woodman of America account, and forty two thousand dollars (\$42,000.00) from Fidelity Investments as verified by the TABC staff. The property is owned by Jerry Vance and his wife, Wanda Vance. The lease is for one (1) year with a monthly rent payment of eight hundred dollars (\$800.00) due on the 1<sup>st</sup> of each month. The applicant has the option to renew for an additional five (5) year term. All documentation has been provided with the exception of the following.

- a. \$850.00 License Fee - received

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

**Discussion/Action Taken:**

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

Commissioner Jones made a motion to approve. Commissioner Kaegi seconded the motion and it passed with 3 ayes.

**UPDATE:** All pending items received, license issued 9/25/13.

**9. WINE & SPIRITS FOR LESS  
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

**Applicant:** Kumar Yogesh Patel  
**Sole Proprietorship**

Before the Commission is a request for a new retail store to be located at 7505 Hwy 64, Suite 103, Memphis, TN 38133. The applicant, Kumar Yogesh Patel, claims ownership of 100% of the retail business and has claimed plans to invest \$150,000.00 into the business. The TABC has verified with Bancorp South Bank, Dresden, Tennessee, Bank President, Teresa W. Brundige

that applicant has a deposit balance with them in excess of the \$150,000.00 investment claim. All documentation and TABC requirements have been provided with the exception of the following:

- a. Declaration of Citizenships of applicant and Attorney in Fact Dharmendra Patel
- b. TABC Inspection
- c. Acknowledgement of TABC Rules & Regulations
- d. Licensing Fee
- e. Completed application.

The TABC staff has the following concerns: 1) the applicant has indicated on all documentation with the TABC that his name is Kumar Yogesh when in fact his true name is Kumar Yogesh Patel, 2) the applicant, in April 2013, previously was issued a retail liquor license, via transfer of ownership, of Mr. G's Grape and Grain [formally permit no. 3441 subsequently permit no. 3881] based on the applicant's and the applicant's Attorney in Facts misrepresentation of the facts regarding the transfer of ownership of said "Mr. G's", 3) The applicant is a Medical Doctor with an active medical practice and therefore unavailable to run the business on a day to day basis.

The TABC staff DOES NOT recommend approval of this application.

**Discussion/Action Taken:**

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

Commissioner Jones made a motion to deny. Commissioner Kaegi seconded the motion and it passed with 3 ayes to deny the application.

**UPDATE:** At this time the application for Wine & Spirits for Less was DENIED.

**10. ON THE ROCKS  
KNOXVILLE, TENNESSEE (KNOX COUNTY)**

**Applicant:** On the Rocks, LLC  
**Member(s)** Lynn Beeler (100%)

Before the Commission is a request for a change in ownership for the retail store located at 7545 Conner Road, Knoxville, Tennessee. Lynn Beeler and her husband, Carl Beeler were co-owners in the LLC which owns the retail store. Mr. Carl E. Beeler passed away on March 26, 2013 leaving a written will, in which he named his spouse, Lynn Beeler, beneficiary of all



Personal Property and his Residuary Estate. Lynn Beeler now wishes to hold the license with herself as the sole member of the 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 of this application.

Commissioner Jones made a motion to approve. Commissioner Kaegi seconded the motion and it passed with 3 ayes.

**UPDATE:** The application for a change in ownership was approved.

**11. HUDSON'S WINE & LIQUOR  
LINDEN, TENNESSEE (PERRY COUNTY)**

**Applicant:** Scott B. Hudson  
**Sole Proprietorship**

Before the Commission is a request for a transfer of ownership in the retail store located at 205 School Street, Linden, Tennessee. In December 2009, Mr. Scott Hudson purchased the remaining interest in the off-premises retail licensee, (at the time of said purchase, Mr. Scott Hudson was the owner of a one-half undivided interest in the off-premises retail licensee), Hudson's Wine & Liquor from his parents, Billy W. Hudson and Nelia G. Hudson for the purchase price of \$1.00 which included seller's one-half interest in Hudson's Wine and Liquor Inventory, Seller's one-half interest in Hudson's Wine and Liquor Equipment, and Seller's Entire Interest in Real Estate without the prior approval of the commission. Mr. Scott Hudson subsequently realized that approval was necessary and filed this application for transfer of ownership. Mr. Hudson was advised that a citation will be issued for conducting this transfer without the prior approval of the TABC Commission. All documentation has been provided with the exception of the following:

- a. TABC Inspection
- b. Acknowledgement of TABC Rules & Regs
- c. Certificate of Occupancy
- d. Certificate of Sales Tax
- e. \$850.00 License Fee
- f. Letter signed by all three parties explaining purchase.

The TABC staff recommends approval of this application.

**Discussion/Action Taken:**

Director Bell reviewed the matter to the Commission and recommended approval of this application and ordered that a citation be issued for conducting a transfer in ownership prior to the TABC Commissions approval which is a violation of T.C.A § 57-3-210(f)(1).

Commissioner Jones made a motion to approve upon receipt of the missing documentation, license fee, and payment of the pending citation. Commissioner Kaegi seconded the motion and it passed with 3 ayes.

**UPDATE:** There is no update available at this time, items still pending.

**12. ROBERT'S PACKAGE STORE  
HUMBOLDT, TENNESSEE (GIBSON COUNTY)**

**Applicant:** Robert's Center, Inc.  
**Stockholder(s):** Barbara Graves (President – 50%)  
Robert H. Graves (Secretary – 50%)

Before the Commission is a request for a transfer of ownership in the retail store located at 3035 East End Drive, Humboldt, Tennessee. Barbara and Robert Graves are incorporating their business; they will own 100% of the business and have invested approximately four hundred thousand dollars (\$400,000.00) in capital improvements. They have a bank account with First State Bank as verified by TABC staff. All documentation has been provided with the exception of the following:

- a. Waiver of Rights
- b. Corporation Certificate of Existence

The TABC staff recommends approval of this application.

**Discussion/Action Taken:**

Director Bell reviewed the matter to the Commission and recommended approval of this application upon receipt of missing documentation.

Commissioner Kaegi made a motion to approve upon receipt of the missing documentation. Commissioner Jones seconded the motion and it passed with 3 ayes.

**UPDATE:** There is no update available at this time, items still pending.

**13. MEG'S WINE & SPIRITS  
KNOXVILLE, TENNESSEE (KNOX COUNTY)**

**Applicant:** Meg's, Inc.  
**Stockholder(s):** Manjula Bhalodia (100%)

Before the Commission is a request for a transfer of ownership in the retail store located at 5454 Millertown Pike, Knoxville, Tennessee. Meg's, Inc. is a one person corporation with Manjula Bhalodia as the 100% stockholder. Manjula Bhalodia has no other financial interests in package stores. She is the mother-in-law of Puja Bhalodia who, as A to Z, Inc., owns Clinton Highway Wine & Spirits. There is no crossover of financial interest in the two stores. The building Clinton Highway Wine & Spirits lease is owned by Bhavin Bhalodia, as 3 in 1, LLC. Puja Bhalodia's loan for Clinton Highway Wine & Spirits was guaranteed by Nileshkumar Patel, Puja Bhalodia's father. Manjula Bhalodia's loan will be guaranteed by Manjula's brother Manu Vachhani. He will have no ownership interest in the business. Manjula Bhalodia has filed an application for a loan, securing finding through First National Bank for a loan/line of credit in the amount of sixty-five thousand dollars (\$65,000.00) for the equipment purchase and a two hundred twenty seven thousand, five hundred dollar (\$227,500) loan for the inventory purchase. The loan agreement with First National Bank is pending the approval of the State of Tennessee retail license application as verified by TABC staff. Signed loan documents will not be available until approval is granted by the TABC Commission. Sales contract dated July 16, 2013: Seller Jackie Curry, Curry Group, LLC; and Agent, Manjula Bhalodia. Manjula Bhalodia will be honoring the lease that the previous owner of Meg's Inc. had for the building. The lease agreement was originally between the landlord, Rebel Properties, LLC, and the tenant, Curry Group, LLC d/b/a Meg's Wine & Spirits. The lease began on September 20, 2007 and was for a term of approximately ten (10) years. As of September 30, 2013, the lease will be between aforementioned landlord and Meg's, Inc. d/b/a Meg's Wine and Spirits. The assumption of the lease was signed on August 15, 2013 and the base monthly rent will be five thousand dollars (\$5,000.00) for the remainder of the lease. All documentation has been provided with the exception of the following:

- a. Executed Loan Documentation - received
- b. \$850.00 License Fee - received

The TABC staff recommends a conditional approval upon receipt of the missing documents and license fee.

**Discussion/Action Taken:**

Director Bell reviewed the matter to the Commission and recommended approval of this application upon receipt of missing documentation and license fee.

Commissioner Jones made a motion to approve upon receipt of the missing documentation and the license fee. Commissioner Kaegi seconded the motion and it passed with 3 ayes.

**UPDATE:** All items were received, license issued 10/1/13.

**3. WINERIES**

**A. NEW BUSINESS**

**1. CADES COVE CELLARS  
TOWNSEND, TENNESSEE (BLOUNT COUNTY)**

**Applicant:** Cades Cove Cellars, LLC  
**Member(s):** William R. Birkholz (President – 20%)  
Cameran A. Birkholz (Secretary – 20%)  
Jerry K. Reed (Board Member – 20%)  
William M. Birkholz (Board Member – 20%)  
Sheila C. Birkholz (Board Member – 20%)

Before the Commission is a request for a new winery located at 7126 E Lamar Alexander Pkwy, Townsend, Tennessee. Each member will be investing twenty-five thousand dollars (\$25,000.00) to operate the business as verified by the TABC staff. Mr. Jerry Reed, Mr. William Birkholz, and Ms. Cameron Birkholz will be investing their portion from the sale of shares in Tennessee Valley Wine Corporation. Mr. William Birkholz will be investing his portion based on personal funds with ORML Federal Credit Union. Ms. Sheila Birkholz will be investing her portion based on her personal retirement account with Nationwide Retirement Solutions. Cades Cove Cellars, LLC currently owns the property where the winery will be located. All documentation and agency requirements have been submitted with the exception of the following.

- a. Certificate of Occupancy
- b. Approval of Dept. of Agriculture
- c. TABC Inspection
- d. Acknowledgment of TABC Rules & Regs
- e. \$150.00 License Fee

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

**Discussion/Action Taken:**

Mr. William R. Birkholz and Cameran A. Birkholz were in attendance. Director Bell reviewed the matter to the Commission and recommended a conditional approval of this application upon receipt of missing documentation and license fee.

Commissioner Jones made a motion for a conditional approval upon receipt of the missing documentation and the license fee. Commissioner Kaegi seconded the motion and it passed with 3 ayes.

**UPDATE:** There is no update available at this time, items still pending.

**2. SUGARLAND CELLARS  
GATLINBURG, TENNESSEE (SEVIER COUNTY)**

**Applicant:** Sugarland Cellars, Inc.  
**Stockholder(s):** Phillip Don Collier (President – 40%)  
Sara Ogle Valentine (Secretary – 20%)  
James D. Ogle (Vice-President – 20%)

**Proposed Stockholder(s):** Nicholas Ogle (10%)  
Jacob Ogle (10%)

Before the Commission is a request for a transfer twenty (20) shares of stock ownership of the winery located at 1133 Parkway, Gatlinburg, Tennessee. Two stockholders have proposed a transfer of some shares to extended family members for estate planning purposes as follows: ten (10) shares will be transferred from James Ogle to Nicholas Ogle and ten (10) shares will be transferred from Sara Ogle Valentine to Jacob Ogle. This transfer is only 20% of outstanding shares and does not change control of the business. 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 of this application.

Commissioner Jones made a motion to approve. Commissioner Kaegi seconded the motion and it passed with 3 ayes.

**UPDATE:** The changes were approved and recorded.

- 4. WHOLESALERS** – There are not any wholesaler matters.
- 5. FARM WINERIES** - There are not any farm winery matters

6. **SERVER PERMIT DENIALS** – There are not any server permit denial matters.
7. **ADMINISTRATIVE HEARINGS** – There are not any administrative hearing matters.
8. **DISTILLERY**

A. **NEW BUSINESS**

1. **SOUTHERN PRIDE DISTILLERY  
FAYETTEVILLE, TENNESSEE (LINCOLN COUNTY)**

**Applicant:** Southern Pride Distillery, LLC

**Member(s):** Randy Trentham (100%)

Before the Commission is a request for a new distillery located at 108 South Mill Road, Fayetteville, Tennessee. Mr. Trentham will be investing one hundred fifty thousand dollars (\$150,000.00) to operate the distillery based on a Certificate of Deposit he with First National Bank which matures on October 19, 2013 as verified by TABC staff. Mr. Trentham owns the property where the distillery will be located. There is a commercial lease agreement by and between the applicant, Randy Trentham (“Landlord”), and Southern Pride Distillery, LLC (“Tenant”) for a term of five (5) years at \$100.00 per month. The applicant has the option to renew the lease for three (3) consecutive five (5) year terms at the same rental rate per month. All documentation and agency requirements have been submitted with the exception of the following.

- a. Local Government (distance) Approval
- b. TABC Inspection
- c. Acknowledgment of TABC Rules & Regs.
- d. \$1,000 License Fee

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

**Discussion/Action Taken:**

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

Commissioner Jones made a motion to approve. Commissioner Kaegi seconded the motion and it passed with 3 ayes.

**UPDATE:** There is no update available at this time, items still pending.

**2. OLE SMOKY DISTILLERY  
GATLINBURG, TENNESSEE (SEVIER COUNTY)**

**Applicant:** Ole Smoky Distillery, LLC  
**Member(s):** Joseph A. Baker (President – 70%)  
J. Cory Cottongrim (Treasurer – 15%)  
Tony W. Breeden (Secretary – 15%)

Before the Commission is a request for a new distillery located at 2470 East Parkway, Gatlinburg, Tennessee (mailing address – physical location in the City of Pitman Center). These members are currently invested in Ole Smoky Distillery, LLC and are opening a second location. The first distillery is located at 903 Parkway, Suite 128 & 129 in Gatlinburg. The exact details of the financing are forthcoming. The property lease is by and between Charles R. Edwards, Jr. and Joseph Andrew Baker, as Co-Trustees of The Baker Gift Trust (“Landlord”) and Ole Smoky Distillery, LLC (“Tenant”) for a term of five (5) years with the option to renew for four (4) additional terms of five (5) years each. The rent for the initial term will be one thousand seven hundred dollars (\$1,700.00) per month. The rent for the option term, if exercised will be two thousand two hundred dollars (\$2,200.00) per month. The rent shall increase by three percent (3%) per year ever year after year six (6). All documentation and agency requirements have been submitted with the exception of the following.

- a. TABC Inspection
- b. Acknowledgment of TABC Rules & Regs.
- c. Loan Contracts – **letter received**
- d. \$1,000 License Fee
- e. Local Government (distance) Approval - **received**

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

**Discussion/Action Taken:**

Attorney, Rob Pinson, was in attendance. Director Bell reviewed the matter to the Commission and recommended a conditional approval of this application upon receipt of the missing documents and license fee.

Commissioner Jones made a motion for a conditional approval upon receipt of the missing documentation and the license fee. Commissioner Kaegi seconded the motion and it passed with 3 ayes.

**UPDATE:** There is no update available at this time, items still pending.

**9. PRIVATE CLUB –** There are not any private club matters.

10. **BUDGET** - There are not any budget matters.

11. **PENDING MATTERS LIST**

A. **Commission Meeting Dates for the 2014 calendar year** – continued to October Commission Meeting

12. **PERSONNEL**

13. **MISCELLANEOUS**

A. **Discussion and Vote to Adopt Proposed Rules:** continued from August

Rule 0100-10-.01 Applications for Direct Shipper

Rule 100-01-.03(15) Happy Hour Restrictions

Substance of Rules – Chapter 0100-04 Rules of procedure for hearing contested cases.

**Discussion/Action Taken:**

Attorney, Dan Haskell, was in attendance. Director Bell reviewed the Proposed Rules to the Commission for a vote to adopt the proposed rules.

Chairperson McDaniel made a motion for a roll call vote to adopt the proposed rules.

Rule 0100-10-.01 Applications for Direct Shipper – Roll Call Vote

Chairperson McDaniel responded with an AYE

Commission Kaegi responded with an AYE

Commissioner Jones responded with an AYE

**UPDATE:** Rule 0100-10-.01 Applications for Direct Shipper passed with 3 ayes.

Rule 100-01-.03(15) Happy Hour Restrictions – Roll Call Vote

Chairperson McDaniel responded with an AYE

Commission Kaegi responded with an AYE

Commissioner Jones responded with an AYE

**UPDATE:** Rule 100-01-.03(15) Happy Hour Restrictions passed with 3 ayes.

Substance of Rules – Chapter 0100-04 Rules of procedure for hearing contested cases. – Roll Call Vote

Chairperson McDaniel responded with an AYE




Commission Kaegi responded with an AYE  
Commissioner Jones responded with an AYE

**UPDATE:** Substance of Rules – Chapter 0100-04 Rules of procedure for hearing contested cases passed with 3 ayes.

**14. DATE OF NEXT MEETING**

The date of the next commission meeting is set for Tuesday, October 22, 2013 at 1:30 p.m.; the deadline for submitting commission matters is Friday, October 11, 2013. The November commission meeting will be held Tuesday, November 19, 2013 at 1:30 p.m., the deadline for submitting commission matters is Friday, November 8, 2013. The December commission meeting will be held Tuesday, December 17, 2013 at 1:30 p.m., the deadline for submitting commission matters is Friday, December 6, 2013.

  
Mary McDaniel  
Chairperson

  
E. Keith Bell  
Executive Director