



City of Memphis Alcohol Commission Minutes September 18, 2013

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- I. Call to Order** – The regularly scheduled meeting of the Memphis Alcohol Commission was called to order by Sergeant-At-Arms Officer Gerald Lake at approximately 9:12 a.m.
- II. Roll Call** – The following Commissioners were present: Eugene Bryan, Barry Chase, Jared Johnson, Billy Post, Sherman Greer, Martavius Jones, and Johnsie Wallace. Commissioners Wayne West and Erma Hayslett were absent.
- III. Approval of Minutes** – The minutes of the previous meeting were distributed electronically prior to this meeting. **Commissioner Johnson moved approval of the minutes of the September 4, 2013 meeting. Commissioner Greer seconded. The motion passed.**
- IV. Special Beer Applicant(s):**
1. Sara Studdard – 2481 Broad St. – **“Broad Avenue Night Market”**
September 2, 2013 & October 24, 2013 - Time: 6:00 p.m. – 10:00 p.m.
Sponsoring Organization: **Historic Broad Business Association**
Purpose of funds: **Profit - 1 booth**
Upon routine questioning about alcoholic beverage laws of Memphis and the State by the commissioners, Commissioner Johnson moved approval. Commissioner Post seconded. The motion passed.
 2. John Howell – 6865 Poplar Pike – **“Oktoberfest”**
October 26, 2013 - Time: 1:00 p.m. – 8:00 p.m.
Sponsoring Organization: **Lord of Life Lutheran Church**
Purpose of funds: **Charitable - 1 booth**
Upon routine questioning about alcoholic beverage laws of Memphis and the state by the commissioners, Commissioner Post moved approval. Commissioner Johnson seconded. The motion passed.
 3. Donna Page – 3700 Thomas St. – **“Eaglefest”**
October 12, 2013 – Time: 10:00 a.m. – 10:00 p.m.
Sponsoring Organization: **Our Lady of Sorrows Church**
Purpose of funds: **Charitable - 1 booth**
Upon routine questioning about alcoholic beverage laws of Memphis and the state by the commissioners, Commissioner Post moved approval. Commissioner Johnson seconded. The motion passed.

4. Judy Davis – 374 Metal Museum – **“Repair Days Weekend”**
October 4-5, 2013 – Time: 5:30 p.m. – 9:00 p.m.
Sponsoring Organization: **Metal Museum**
Purpose of funds: **Charitable - 1 booth**
Upon routine questioning about alcoholic beverage laws of Memphis and the State by the commissioners, Commissioner Post moved approval. Commissioner Johnson seconded. The motion passed.

5. Jo Ann Fusco – 1780 Moriah Woods Blvd. – **“Chili Cook-Off”**
October 5, 2013 – Time: 11:00 a.m. – 3:00 p.m.
Sponsoring Organization: **Exceptional Foundation of West TN**
Purpose of funds: **Charitable: 1 booth**
Upon routine questioning about alcoholic beverage laws of Memphis and the State by the commissioners, Commissioner Post moved approval. Commissioner Johnson seconded. The motion passed.

6. John Kiersky – 412-414 N. Cleveland – **“Hi Tone Café & Goner Fest**
September 19, 2013 - October 18, 2013 – Time: 4:00 p.m. – 2:00 a.m.
Sponsoring Organization: **John Kiersky**
Purpose of funds: **Profit: 3 booths**
Upon routine questioning about alcoholic beverage laws of Memphis and the State by the commissioners, Commissioner Post moved approval. Commissioner Johnson seconded. The motion passed.

7. Brandon Moss – Toby Field – **“Wifflestock”**
September 28-29, 2013 – Time: 8:00 a.m. – 8:00 p.m.
Sponsoring Organization: **The Blue Monkey**
Purpose of funds: **Charitable: 2 booths**
Upon routine questioning about alcoholic beverage laws of Memphis and the State by the commissioners, Commissioner Post moved approval. Commissioner Jones seconded. The motion passed.

V. **The following person(s) has applied to sell beer for “ON” premises consumption:**

8. Hung Nguyen – 3810 Hacks Cross – JKN, LLC - d/b/a – **“J J’s Seafood & Bar”**
Upon routine questioning about alcoholic beverage laws of Memphis and the State by the commissioners, Commissioner Post moved approval. Commissioner Johnson seconded. The motion passed.

9. Bryant Hannah – 2926 Lamar Ave., Ste. 101– Watson Enterprise, LLC - d/b/a –
“Soul-Lucions Fish & Wings Palace”
Upon routine questioning about alcoholic beverage laws of Memphis and the State by the commissioners, Commissioner Post moved approval. Commissioner Johnson seconded. The motion passed.

10. Rigoberto Aviles – 3103 Summer Ave. – d/b/a – **“El Centenario Restaurant & Nightclub”**
*Upon routine questioning about alcoholic beverage laws of Memphis and the State by the commissioners, Commissioner Post moved approval with the requirement that the applicant demonstrate to the Permits Office that beer sales were less than 40% of all sales after the first 90 days of approval of the Beer Permit. . Commissioner Johnson second
The motion passed.*
11. Sammica Cash – 5959 Winchester Rd. – Deuces Bar & Lounge, LLC – d/b/a –
“Deuces Bar & Lounge”
Upon routine questioning about alcoholic beverage laws of Memphis and the State by the commissioners, Commissioner Post moved approval. Commissioner Johnson seconded. The motion passed.

VI.

The following person(s) has applied to sell beer for “OFF” premises consumption:

12. Paula Grant – 3118 Chelsea Ave. – d/b/a – **“Sally’s Grocery”**
*Upon routine questioning about alcoholic beverage laws of Memphis and the State by the commissioners, Commissioner Post moved approval. Commissioner Greer seconded
The motion passed.*
13. Seida Beware – 630 N. Highland St. – d/b/a – **“Highland Shell”**
The applicant indicated they were purchasing aware that this location had been recently cited And that the citations were on the agenda the same day. The applicant indicated that the purchase was an arms-length transaction. However, it was noted that the applicant’s home address was the same as the seller of the business and then admitted that they do live at the same address. Commissioners indicated that they needed more evidence that the transaction was actually an arms-length transaction particularly related to the lease. As such, Commissioner Jones moved to continue the application until the October 2, 2013 meeting. Commissioner Post seconded. The motion passed.
14. Bashir Moageb – 1553 Pillow St. – d/b/a – **“20/20 Grocery”**
The applicant was routinely questioned by the commission. The applicant’s home address was the same as for the Beer Permit however the applicant indicated he was living in a second building on the same lot. Commissioners indicated they needed more information as it relates to the zoning and permissible uses. The commissioners then heard from a number of protestors that testified that the location was currently a detriment as it allows loitering and that there had been several recent violent incidents in front of the location. Commissioner Bryan suggested that the applicant and the protestors try to reach a compromise. Additionally, Commissioner Bryan asked the applicant to provide the current zoning for the location and it’s allowed usages, particularly as there are apparently two buildings. No further discussion, Commissioner Jones moved to continue the application until the October 2, 2013 meeting. Commissioner Johnson seconded. The motion passed.

15. Anwar Aman, Rafiq Devji, Sadar Aman – 5665 Quince Rd. – 5665 Quince Road, LLC – d/b/a –
“5665 Quince Road, LLC”
Upon routine questioning about alcoholic beverage laws of Memphis and the State by the commissioners, Commissioner Post moved approval. Commissioner Johnson seconded. The motion passed.
16. Hussain Mawani – 1470 Wells Station Rd. – 1470 Wells Station, LLC – d/b/a –
“Wells Station Food Mart”
Upon routine questioning about alcoholic beverage laws of Memphis and the state by the commissioners, Commissioner Jones moved approval. Commissioner Greer seconded. The motion passed.

VII. Violation(s):

- The following location(s) is in violation of AC Rule D-4 with NO priors:**
17. Adel Gobah – 1673 E. Holmes Rd. – d/b/a – **“Whitehaven Grocery”**
Date of Violation: Monday, March 11, 2013
Business Began: 06-06-2012
Officers: Brown #0855
The owner stipulated to the charge. Commissioner Jones moved to fine the location \$250 along with a 60 day probationary period or a 30 day suspension of the Beer Permit. Commissioner Post seconded. The motion passed. The owner agreed to the fine and probation.
18. Salim Rajani – 2205 E. Holmes Rd. – NRS Group, LLC - d/b/a– **“Shell Food Mart”**
Date of Violation: Monday, March 11, 2013
Business Began: 12-07-2011
Officers: Coleman #2464, Brown #0855
The owner stipulated to the charge. Commissioner Jones moved to fine the location \$250 along with a 60 day probationary period or a 30 day suspension of the Beer Permit. Commissioner Post seconded. The motion passed. The owner agreed to the fine and probation.
19. Rameez Aly – 5190 Airways Blvd. – Ehan, Inc. - d/b/a – **“Airways Gas & Food Mart”**
Date of Violation: Monday, March 11, 2013
Business Began: 01-16-2013
Officers: Brown #0885
The owner stipulated to the charge. Commissioner Jones moved to fine the location \$250 along with a 60 day probationary period or a 30 day suspension of the Beer Permit. Commissioner Post seconded. The motion passed. The owner agreed to the fine and probation.

20. Majdi A. Morshed – 1979 S. Third St. – d/b/a – **“In & Out Deli & Tobacco”**
Date of Violation: Friday, March 8, 2013
Business Began: 09-07-2011
Officers: Coleman #2464, Stepney #1348
Attorney James Curry and the location’s manager were present. The manager stipulated to the charge. Commissioner Jones moved to fine the location \$250 along with a 60 day probationary period or a 30 day suspension of the Beer Permit. Commissioner Post seconded. The motion passed. The owner agreed to the fine and probation.
21. Henry A. Sisco – 1470 Wells Station – d/b/a – **“Sisco’s Drive in Grocery “**
Date of Violation: Saturday, April 13, 2013
Business Began: 04-02-1986
Officers: Cook #1623
Mr. Danny Sisco, the son of the deceased owner, was present to represent the location. The son stipulated to the charge. Commissioners requested that the fine must be paid before the new owner can receive its Beer Permit. Commissioner Jones move to fine the location \$250 along with a 60 day probationary period or a 30 day suspension of the Beer Permit. Commissioner Post seconded. The motion passed. The owner agreed to the fine and probation.

The following location(s) is in violation of AC Rule D-4 WITH priors:

22. Rafat M. Khmous – 2903 S. Perkins – d/b/a – **“Z Market”**
Date of Violation: Tuesday, March 26, 2013
Business Began: 06-02-2010
Prior Violation: 05-07-2011 (C-5)
Officers: Howard #1682
The owner and Atty. Milton McGhee stipulated to the charge. Commissioner Jones moved to fine the location \$500 along with a 60 day probationary period or a 30 day suspension of the Beer Permit. Commissioner Post seconded. The motion passed. The owner agreed to the fine and probation.
23. Shaker A. Zindani – 1709 E. Holmes Rd. – d/b/a – **“Z Express”**
Date of Violation: Monday, March 11, 2013
Business Began: 12-02-2009
Prior Violation(s): 09-18--2009 (C4, D-4)
Officers: Brown #0855
The owner and Atty. James Curry stipulated to the charge. After rescinding the first initial \ motion of \$500 along with a 60 day probationary period or a 30 day suspension of the Beer Permit because of an alleged staff error, Commissioner Post moved to fine the location \$250 along with a 60 day probationary period or a 30 day suspension of the Beer Permit. Commisisoner Post seconded. The motion passed. The owner agreed to the fine and probation.

24. Badriya A. Mohammed – 545-547 E. Mallory – d/b/a – “**Mallory Supermarket**”
Date of Violation: Friday, March 8, 2013
Business Began: 08-18-2010
Prior Violation(s): 05-22, 2009 (C-1, C-4, C-15)
Officers: Stepney #1348
The representative was granted power attorney for the location because the owner was in the Hospital. The representative stipulated to the charge. Commissioner Jones moved to fine the location \$250 along with a 60 day probationary period or a 30 day suspension of the Beer Permit. Commissioner Post seconded. The motion passed. The representative agreed to pay the fine and probation.
25. Sultan W. Woldemicael - 4679 Airways Blvd. – d/b/a – “**Airways Express BP**”
Date of Violation: Monday, March 11, 2013
Business Began: 11-07-2007
Prior Violation(s): 04-27-2011 (C-4); 11-07-2009 (C-5, D-4)
Officers: Brown #0855
The owner was not present. Commissioner Jones moved to Indefinitely Suspend the Beer Permit at this location. Commissioner Post seconded. The motion passed.
26. Towanda L. Bah – 2206 E. Shelby Dr. – B B Food & Fuel, LLC – d/b/a – “**B B Food & Fuel**”
Date of Violation: Monday, March 11, 2013
Business Began: 03-18-2009
Prior Violation(s): 06-24-2011 (C-5); 11-07-2009 (C-5, D-4)
Officers: Brown #0855
The owner stipulated to the charge. Commissioner Jones moved to fine the location \$750 along with a 60 day probationary period or a 30 day suspension of the Beer Permit. Commissioner Post seconded. The motion passed. The owner agreed to the fine and probation.
- The following location(s) is in violation of AC Rule C-4 and D-4 with Priors:**
27. Hajera Abdulhafiz – 2206 E. Shelby Dr. – B B Food & Fuel, LLC – d/b/a – “**B B Food & Fuel**”
Date of Violation: Monday, March 11, 2013
Business Began: 03-18-2009
Prior Violation(s): 06-24-2011 (C-5); 11-07-2009 (C-5, D-4)
Officers: Brown #0855
The owner was not present. Commissioner Jones moved to Indefinitely Suspend the Beer Permit at this location. Commissioner Post seconded. The motion passed.
28. Mohanad Ali – 4775 Horn Lake Rd. – d/b/a – “**Express Shop**”
Date of Violation: Monday, March 11, 2013
Business Began: 02-16-2011
Prior Violation(s): 12-07-12 (C-5)
Officers: Brown #0855
The owner stipulated to the charges. Commissioner Jones moved to fine the location \$700 along with a 60 day probationary period or a 30 day suspension of the Beer Permit. Commissioner Post seconded. The motion passed. The owner agreed to the fine and probation.

29. Raed Khaled – 565 E. Holmes Rd. – Rae-Sum, Inc. – d/b/a – “**R & S Food Mart**”
 Date of Violation: Monday, March 11, 2013
 Beer Permit Initially Approved: 02-04-1998
Prior Violation(s): 09-10-09 (C-4, C-18); 09-11-09 (C-4)
 Officers: Brown #0855
The owner stipulated to the charges. Commissioner Jones moved to fine the location \$1,050 along with a 60 day probationary period or a 30 day suspension of the Beer Permit. Commissioner Post seconded. The motion passed. The owner agreed to the fine and probation.
30. Sirak Baleh – 630 N. Highland St. – d/b/a – “**S & S Highland Shell**”
 Date of Violation: Friday, May 24, 2013 (C-4); (D-4, C-4)
 Beer Permit Initially Approved: 02-04-1998
Prior Violation(s): 03-17-12 (C-5); 08-11-12 (C-5, D-4)
 Officers: Stepney #1348, Ward #0502, Howard #1682, Vowell #2348
The owner stipulated to the charges. After extensive questioning by the Commissioners, Commissioner Jones moved to revoke the Beer Permit based on the law and assessed a fine of \$2,600. Commissioner Post seconded. The motion passed. The owner must pay the fine before any transfer of the beer license. The owner accepted the decision by the Commissioners and the fine.

VIII. Old Business: None

IX. New Business: None

- X. Adjournment** - There being no further business to come before the commission, Commissioner Bryan requested a motion for adjournment at approximately 12:00 p.m. Commissioner Jones seconded. The meeting adjourned.

 Eugene Bryan – Chairman

 Date

 Aubrey J. Howard – Executive Secretary

 Date