

9/25/2023

MEMORANDUM

To: Beer Board Members
Gerald Herman, City Administrator
Pat Brady, Police Chief
Jason Barnes, Finance Director
Bethany Johnson, Business Tax Clerk

From: Derek Watson, City Recorder

Re: Meeting of the Beer Board

Please find attached an agenda for the next meeting of the City of White House Beer Board. The meeting is scheduled for Tuesday, October 3rd, 2023, at 7:00 p.m. in the Board Room at the Billy S. Hobbs Community Center located at 105D College Street.

If you will be *unable* to attend, please call me at 672-4350 ext. *2111 to let me know. Please do not hesitate to call me at if you have any questions.

copy: Mapco Express #3299
Los Amigos 3

CITY OF WHITE HOUSE
Beer Board Meeting
Agenda
October 3, 2023
7:00 p.m.

1. Call to Order
2. Roll Call
3. Adoption of the Agenda
4. Approval of Minutes for the April 4, 2023, Beer Board meeting
5. Public Hearing
 - A. None
6. Reports
 - A. None
7. New Business
 - A. Consideration of an off-premises beer license application for Mapco Express #3299.
 - B. Consideration of an on-premises permit for Los Amigos 3 located at 2915 Hwy 31W.
8. Adjournment

CITY OF WHITE HOUSE
Beer Board Meeting
Minutes
April 4, 2023
7:00 p.m.

1. Call to Order

Meeting was called to order at 7:01pm by Chairman Bibb.

2. Roll Call

Chairman Bibb – Present; Dave Paltzik – Present; Kellye Smith – Present; Scott Smith – Absent; Ald. Jana Spicer – Present; **Quorum – Present.**

3. Adoption of the Agenda

Motion was made by Ms. Smith, second by Mr. Paltzik to adopt the agenda. A voice vote was called for with all members voting aye. **Agenda was adopted.**

4. Approval of Minutes for the March 7, 2023 Beer Board meeting

Motion was made by Ald. Spicer, second by Mr. Paltzik to approve the minutes. A voice vote was called for with all members voting aye. **March 7, 2023 minutes were approved.**

5. Public Hearing

A. None

6. Reports

A. None

7. New Business

A. Consideration of an off-premises beer license application for Los Altos Ranch Market, LLC located at 621 Hwy 76.

Motion was made by Mr. Paltzik, second by Ms. Smith to approve. A voice vote was called for with all members voting aye. **Motion passed.**

8. Adjournment

Meeting was adjourned at 7:04 pm.

ATTEST:

Farris H. Bibb, Jr., Chairman

Derek Watson, City Recorder



Attorneys at Law

Alabama
Colorado
Florida
Georgia
Louisiana
Mississippi
North Carolina
South Carolina
Tennessee
Texas
Washington, DC

September 18, 2023

Rob Pinson

Direct: 615.259.1407
E-Fax: 615.780.4462
rob.pinson@arlaw.com

City of White House
105 College Street
White House, TN 37188

RE: Mapco Express #3299, 100 Highway 76, White House, TN 37188

To Whom It May Concern:

This application is being submitted due to an upcoming shareholder change. No other material changes in the business and/or structure will be made to Mapco Express #3299.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Pinson', written in a cursive style.

Robert D. Pinson



BEER / LIQUOR SALE PERMIT APPLICATION

Application for (check all that apply):

- On-Premises Permit: serving and consumption of beer at location*
- On-Premises Permit: serving and consumption of wine at location*
- On-Premises Permit: serving and consumption of liquor at location*
- Off-Premises Permit: sale of package beer from location (BEER ONLY)*
- Manufacturers or Distributors Permit*
- Special Events Permit*

I hereby apply for a permit to sell, store, manufacture, or distribute beer or other beverages authorized to be sold, stored, manufactured or distributed under the provision of Tennessee Code Annotated Title 57, Chapter 4 and 5, and submit my application upon the answers to the following questions:

1. Full name of applicant(s) (owner and/or persons, firms, joint-stock companies, syndicates, or associations having at least 5% ownership interest in the business – attach additional sheets if more than three (3) owners):

Applicant #1: Marvin Kelly Hewatt -- 99.8%

Applicant #2: _____

Applicant #3: _____

2. Check all that apply: Person Firm Corporation. Syndicate Joint-Stock Company Association

3. Name of establishment: Mapco Express, Inc.

4. Name this establishment will operate under: Mapco Express #3299

5. Street Address of the Establishment: 100 Highway 76, White House, TN 37188

6. Specify the name, address, telephone, and email to receive annual privilege tax notices and any other communication from the City:

Name: Michael Bleimeyer

Address: _____ City: Lawrenceville State: GA Zip: 30046

Phone: NA Email: _____

7. List name and address of property owner if someone other than business owner:

Name: American IRA, LLC f/o/b Gayle E Ray IRA

Address: 2424 Ridge Road City: Rockwall State: TX Zip: 75087

12. Has the applicant or the owner's organization had a beer permit revoked, suspended, or denied in the State of Tennessee?

Check one: No Yes* If yes, please list the business name(s) and address(es):

13. Do you own / manage any other businesses in Tennessee that sell beer / alcohol?

Check one: No Yes* If yes, please list the business name(s) and address(es):

None as of the filing of this application. Upon closing of the transaction on or about 11/1/2023 I will have an ownership interest

in the Mapco Express stores listed on the sheet attached hereto

14. Have you previously owned / managed any establishments in Tennessee which have sold beer / alcohol?

Check one: No Yes* If yes, please list the business name(s) and address(es):

15. Give the name, relationship to applicant (if applicable) and current address of the former permittee at this location:

Name: Same company, Mapco Express, Inc. -- Stock will be purchased on or about 11/1 Relationship (if applicable): _____

Address: _____ City: _____ State: _____ Zip: _____

16. What is the name and address of the church (or other place of worship) nearest to your business?

Name: Revolution Church Street Address: 3644 Highway 31 W, White House, TN 37188

17. What is the name and address of the school nearest to your business?

Name: White House Heritage Elementary School, Street Address: 220 West Dr, White House, TN 37188

White House Municipal Code, Title 8, Chapter 2, Section 8-209: No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. No permit will be issued authorizing the storage, sale or manufacture of beer at places within one hundred fifty (150) feet of any church or school, as measured in a straight line from the nearest corner of the school or church structure to the nearest corner of the structure where beer is to be stored, sold or manufactured.

By signing below, I acknowledge receipt of Title 8 of the White House Municipal Code governing alcoholic beverages in the City of White House. I am knowledgeable of the laws prohibiting the sale of beer to minors. I hereby certify that no person having at least a 5% ownership interest, nor any person to be employed in this distribution or sale of beer in my establishment, has been convicted of any violation of the beer or alcoholic beverage laws nor any crime involving moral turpitude. I am also aware that I shall not be issued a permit, or my permit shall be revoked if my business location causes traffic congestion or interferes with schools, churches, or other places of public gathering, or otherwise interferes with public health, safety and morals.

By signing below, I also authorize the City of White House to investigate my background and secure additional information about me in order to verify my moral character. I hereby release from liability the City of White House and its representatives for seeking such information and all other persons, corporations or organizations for providing such information.



Signature of Applicant / Owner (or Authorized Corporate Officer)

CEO as of Closing Date

9.18.23

Date

Sworn to and subscribed before me this 18 day of Sept, 2023.



My commission expires: 6/15/27



NOTARY PUBLIC

Florida

DRIVER LICENSE



CLASS E



HEWATT
MARVIN KELLY

SEX M
HT 5'-00"
REST NONE END NONE

ADD P02197030144

Handwritten signature

Operation of a motor vehicle constitutes consent to any sobriety test required by law



Bill Lee
Governor

901 R.S. Gass Boulevard
Nashville, Tennessee 37216-2639
(615) 744-4057
Facsimile (615) 744-4289



David B. Rausch
Director

09/19/2023

DEANA M PHILLIPS
105-D COLLEGE STREET
WHITE HOUSE TN 37049

Tennessee Criminal History Records Request

NO TENNESSEE CRIMINAL HISTORY RECORD HAS BEEN FOUND FOR THE PERSON LISTED BELOW.
NOTE: All aliases submitted have been searched.

MARVIN KELLY HEWATT

. A fingerprint comparison will only be performed in the event of a written appeal of criminal history results. The information you receive will be based on only those arrests which occurred within the state of Tennessee.

The Tennessee Bureau of Investigation found no Tennessee criminal history based on the information provided. No criminal record check was conducted for other states or for the Federal Bureau of Investigation.

Tennessee Open Records Information Services
Tennessee Bureau of Investigation
901 R.S. Gass Blvd.
Nashville, TN 37216



INTERNATIONALLY ACCREDITED SINCE 1994

Mapco Store #	Address	City	State	Zip Code
3351	803 South Cumberland St.	Lebanon	TN	37087
3299	100 Highway 76	White House	TN	37188
3667	14816 Dayton Pike	Sale Creek (Hamilton County)	TN	37373
3668	3720 Taft Hwy	Signal Mtn (Hamilton County)	TN	37377
3303	501 Liberty Pike	Franklin	TN	37064
3305	1218 Hazelwood Drive	Smyrna	TN	37167
3316	1883 Almadale Rd	Smyrna	TN	37167
3320	194 S Mt. Juliet Rd	Mt. Juliet	TN	37122
3326	240 North Franklin Road	Franklin	TN	37064
3655	1900 Candies Lane NW	Cleveland	TN	37312
3680	6514 Ringgold Rd	Chattanooga (East Ridge)	TN	37412
7460	10 N. Willow Ave.	Cookeville	TN	38501
1027	406 South Water Street	Gallatin	TN	37066
3318	558 Waldron Road	La Vergne	TN	37086
2012	925 Tennessee Ave. South	Parsons	TN	38363
3659	1409 Huntsville Hwy	Fayetteville	TN	37334
3697	7301 Middlebrook Pike	Knoxville	TN	37909
3698	5300 Central Avenue Pike	Knoxville	TN	37912
3701	7001 Kingston Pike	Knoxville	TN	37919
3703	4607 Kingston Pike	Knoxville	TN	37919
3704	4323 Chapman Hwy	Knoxville	TN	37920
3705	4409 Western Ave	Knoxville	TN	37921
3665	1339 Highway 411	Old Fort (Polk County)	TN	37362
3409	158 Franklin Road	Brentwood	TN	37027
7502	2099 Wilma Rudolph Blvd.	Clarksville	TN	37040
7509	1500 Tiny Town Road	Clarksville	TN	37042
7514	2491 Fort Campbell Blvd	Clarksville	TN	37042
3164	459 E. H. Crump Blvd.	Memphis	TN	38126
3174	3703 Jackson Ave.	Memphis	TN	38108
3246	2120 Frayser Blvd.	Memphis	TN	38127
3261	2142 Central Ave.	Memphis	TN	38104
3262	3278 Summer Ave.	Memphis	TN	38112
3271	2185 Winchester Road	Memphis	TN	38116
3280	1781 Kirby Pkwy.	Memphis	TN	38138
3282	2767 Mount Moriah Rd.	Memphis	TN	38115
3283	5009 Park Ave	Memphis	TN	38117
3295	2214 Whitten Rd.	Memphis	TN	38133
7449	1691 Poplar Avenue	Memphis	TN	38104
3162	1251 S. Church St.	Murfreesboro	TN	37130
3247	6379 Navy Rd.	Millington (Shelby County)	TN	38053
3312	2430 S. Church Street	Murfreesboro	TN	37130
3344	1415 Memorial Blvd.	Murfreesboro	TN	37130

3407	1320 Memorial Blvd	Murfreesboro	TN	37129
3654	3392 Memorial Blvd	Murfreesboro	TN	37130
3671	101 Cedar Lane	Tullahoma	TN	37388
3672	315 E. Lincoln St	Tullahoma	TN	37388
3063	128 East Broad Street	Smithville	TN	37166
3532	4711 Brainerd Road	Chattanooga	TN	37411
3536	8604 N Hickory Valley Rd	Chattanooga	TN	37416
3537	1933 Hamill Road	Hixson (Chattanooga)	TN	37343
3538	3709 Cummings Hwy	Chattanooga	TN	37419
3660	6200 Lee Hwy	Harrison (Chattanooga)	TN	37341
3662	5500 Hwy 153	Hixson (Chattanooga)	TN	37343
3666	9101 Lee Hwy	Ooltewah (Chattanooga)	TN	37363
3678	1227 E. Main St.	Chattanooga	TN	37408
3685	200 Browns Ferry Rd	Chattanooga	TN	37419
3686	201 Browns Ferry Rd	Chattanooga	TN	37419
3687	7701 Lee Hwy	Chattanooga	TN	37421
3691	8126 E. Brainerd Rd	Chattanooga	TN	37421
3692	6200 Lee Hwy	Chattanooga	TN	37421
7553	2282 Encompass Dr	Chattanooga	TN	37421
1001	5756 Old Hickory Blvd.	Hermitage (Nashville)	TN	37076
1033	712 Main Street	Nashville	TN	37206
1040	1301 Dickerson Road	Goodlettsville (Nashville)	TN	37072
1149	1425 Robinson Road	Old Hickory (Nashville)	TN	37138
3041	833 Highway 51 North	Covington	TN	38019
3065	6624 Charlotte Pike	Nashville	TN	37209
3191	5001 Linbar Dr.	Nashville	TN	37211
3193	1500 Lebanon Pike	Nashville	TN	37210
3194	440 Harding Pl.	Nashville	TN	37211
3200	1311 Neely's Bend Rd.	Madison (Nashville)	TN	37115
3201	1507 21st Ave. South	Nashville	TN	37212
3204	160 McGavock Pike	Nashville	TN	37214
3214	18 E. Thompson Lane	Nashville	TN	37211
3215	1201 Gallatin Pike S.	Madison (Nashville)	TN	37115
3216	15131 Old Hickory Blvd	Nashville	TN	37211
3217	7600 Hwy 70 South	Nashville	TN	37221
3218	2101 Murfreesboro Rd	Nashville	TN	37217
3219	481 Old Hickory Blvd	Nashville	TN	37209
3220	2827 Smith Springs Rd.	Nashville	TN	37217
3304	3053 Dickerson Pike	Nashville	TN	37207
3307	2115 21st Avenue South	Nashville	TN	37212
3311	553 Murfreesboro Road	Nashville	TN	37210
3321	710 Stewarts Ferry Pike	Nashville	TN	37214
3322	585 Stewarts Ferry Pike	Nashville	TN	37214
3323	3900 Lebanon Pike	Hermitage (Nashville)	TN	37076

3324	401 Myatt Drive	Madison (Nashville)	TN	37115
3325	311 Harding Place	Nashville	TN	37211
3328	626 Old Hickory Blvd.	Nashville	TN	37209
3331	365 Harding Place	Nashville	TN	37211
3332	2601 Murfreesboro Pike	Nashville	TN	37217
3334	465 Donelson Pike	Nashville	TN	37214
3343	765 Bell Road	Antioch (Nashville)	TN	37013
3347	611 51st Avenue North	Nashville	TN	37209
3352	2813 Dickerson Pike	Nashville	TN	37207
3403	550 Donelson Pike	Nashville	TN	37214
3414	7670 Hwy 70 South	Nashville	TN	37221
3419	6509 Charlotte Ave	Nashville	TN	37209
3420	1909 8th Ave South	Nashville	TN	37203
7551	3800 Murfreesboro Pike	Antioch (Nashville)	TN	37013
3683	314 Morrison Springs Rd	Chattanooga (Red Bank)	TN	37415
3707	924 Mill Street	Pulaski	TN	38478
3066	301 Long Hollow Pike	Goodlettsville	TN	37072
3400	254 Long Hollow Pike	Goodlettsville	TN	37072
3540	521 West Main St.	Monteagle	TN	37356
3543	140 Rowland Drive	Jasper	TN	37347
1004	127 N. Central Ave.	Centerville	TN	37033
1115	5285 Hwy 31 E	Westmoreland	TN	37186
3669	1206 Taft Hwy	Signal Mtn	TN	37377
3694	2556 E. Broadway Ave	Maryville	TN	37804
5250	102 N. Military Street	Loretto	TN	38469

City of White House
1050 College St
White House, TN 37188
615-672-4350

DATE : 9/18/2023 5:11 PM
OPER : SJ
TKBY : Sharon Jessee
TERM : 1
REC# : R00299422

MISC Misc 250.00
REGIONS-ADAMS & REESE, LLP FOR MAPCO
#32
Beer and Liquor Application 250.00
110-32209 -250.00

Paid By:REGIONS-ADAMS & REESE, LLP FOR
M
2- Check 250.00 REF:5507852673

APPLIED 250.00
TENDERED 250.00

CHANGE 0.00



BEER / LIQUOR SALE PERMIT APPLICATION

Application for (check all that apply):

- On-Premises Permit: serving and consumption of beer at location
- On-Premises Permit: serving and consumption of wine at location
- On-Premises Permit: serving and consumption of liquor at location
- Off-Premises Permit: sale of package beer from location (BEER ONLY)
- Manufacturers or Distributors Permit
- Special Events Permit

I hereby apply for a permit to sell, store, manufacture, or distribute beer or other beverages authorized to be sold, stored, manufactured or distributed under the provision of Tennessee Code Annotated Title 57, Chapter 4 and 5, and submit my application upon the answers to the following questions:

1. Full name of applicant(s) (owner and/or persons, firms, joint-stock companies, syndicates, or associations having at least 5% ownership interest in the business – **attach additional sheets if more than three (3) owners**):

Applicant #1: Degollado 3 inc

Applicant #2: Jose Martinez

Applicant #3: Juan beltran castro

2. Check all that apply: Person Firm Corporation Syndicate Joint-Stock Company Association

3. Name of establishment: Degollado 3 inc

4. Name this establishment will operate under: Los Amigos 3

5. Street Address of the Establishment: 2915 highway 31w white House TN 37188

6. Specify the name, address, telephone, and email to receive annual privilege tax notices and any other communication from the City:

Name: Jose Martinez

Address: _____ City: Hartsville State: TN Zip: 37074

Phone: _____ Email: _____

7. List name and address of property owner if someone other than business owner:

Name: James H Benson

Address: 2915 Hwy 31 white house City: white house State: TN Zip: 37188

8. Give current home address, date of birth, and social security number of applicant(s) (attach additional sheets if more than three (3) owners):

Applicant #1:

Name: _____ Social Security #: _____ Birth Date: _____
Address: _____ City: _____ State: _____ Zip: _____

Applicant #2:

Name: Jos Martinez Social Security #: _____ Date: _____
Address: _____ City: Hartsville State: TN Zip: 37074

Applicant #3:

Name: Joan Beltran Castro Social Security #: _____ Birth Date: _____
Address: _____ City: _____ State: _____ Zip: _____

9. List previous address(es) within last 10 years of applicant(s) (attach additional sheets if needed).

Applicant #1: _____ Gallatin TN
Applicant #2: _____ Hartsville TN 37074
Applicant #3: _____ LN Hendersonville TN 37075

10. Will the permit be used to operate two or more restaurants or other businesses under the same permit as permitted by Tennessee Code Annotated § 57-5-103(a)(4) within the same building?

Check one: Yes No If so, specify number: _____

List the names of the restaurants or other businesses with address (attach additional sheets if needed).

Location #1:

Business Name: Los Amigos 3 inc, Degollada inc
Address: 2915 Highway 31W City: White house State: TN Zip: 37188

Location #2:

Business Name: _____
Address: _____ City: _____ State: _____ Zip: _____

11. Has any person having at least a 5% ownership interest listed in question 1, or any other employee of the business been convicted of any violation of beer or alcoholic beverage laws or any crime (other than minor traffic violations)?

Check one: No Yes* If yes, please give details of each charge, court, and date convicted:

12. Has the applicant or the owner's organization had a beer permit revoked, suspended, or denied in the State of Tennessee?

Check one: No Yes* If yes, please list the business name(s) and address(es):

13. Do you own / manage any other businesses in Tennessee that sell beer / alcohol?

Check one: No Yes* If yes, please list the business name(s) and address(es):

14. Have you previously owned / managed any establishments in Tennessee which have sold beer / alcohol?

Check one: No Yes* If yes, please list the business name(s) and address(es):

Degollado corp in Hermitage, Degollado 2 inc Gallatin TN
Los Cantaritos Mex inc Gallatin TN El tequila Best inc gallatin TN

15. Give the name, relationship to applicant (if applicable) and current address of the former permittee at this location:

Name: same as #14 Relationship (if applicable): _____
Address: _____ City: _____ State: _____ Zip: _____

16. What is the name and address of the church (or other place of worship) nearest to your business?

Name: NONE Street Address: _____

17. What is the name and address of the school nearest to your business?

Name: Higher Ground church Street Address: 2717 US -31w white house
TN
37188

White House Municipal Code, Title 8, Chapter 2, Section 8-209: No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. No permit will be issued authorizing the storage, sale or manufacture of beer at places within one hundred fifty (150) feet of any church or school, as measured in a straight line from the nearest corner of the school or church structure to the nearest corner of the structure where beer is to be stored, sold or manufactured.

By signing below, I acknowledge receipt of Title 8 of the White House Municipal Code governing alcoholic beverages in the City of White House. I am knowledgeable of the laws prohibiting the sale of beer to minors. I hereby certify that no person having at least a 5% ownership interest, nor any person to be employed in this distribution or sale of beer in my establishment, has been convicted of any violation of the beer or alcoholic beverage laws nor any crime involving moral turpitude. I am also aware that I shall not be issued a permit, or my permit shall be revoked if my business location causes traffic congestion or interferes with schools, churches, or other places of public gathering, or otherwise interferes with public health, safety and morals.

By signing below, I also authorize the City of White House to investigate my background and secure additional information about me in order to verify my moral character. I hereby release from liability the City of White House and its representatives for seeking such information and all other persons, corporations or organizations for providing such information.

Jose Martinez
Signature of Applicant / Owner (or Authorized Corporate Officer)

9/6/23
Date

Sworn to and subscribed before me this 6th day of September, 2023.

(SEAL)

Deana Phillips
NOTARY PUBLIC

My commission expires: March 25, 2026





Bill Lee
Governor

TENNESSEE BUREAU OF INVESTIGATION

ATTN: TORIS

901 R.S. Gass Boulevard
Nashville, Tennessee 37216-2639
(615) 744-4057
Facsimile (615) 744-4289



David B. Rausch
Director

09/19/2023

DEANA M PHILLIPS
105-D COLLEGE STREET
WHITE HOUSE TN 37049

Tennessee Criminal History Records Request

NO TENNESSEE CRIMINAL HISTORY RECORD HAS BEEN FOUND FOR THE PERSON LISTED BELOW.

NOTE: All aliases submitted have been searched.

JOSE MARTINEZ

Please be aware that, unless a fingerprint comparison is performed, it is impossible for the Tennessee Bureau of Investigation to be sure the record belongs to the individual you requested . A fingerprint comparison will only be performed in the event of a written appeal of criminal history results. The information you receive will be based on only those arrests which occurred within the state of Tennessee.

The Tennessee Bureau of Investigation found no Tennessee criminal history based on the information provided. No criminal record check was conducted for other states or for the Federal Bureau of Investigation.

Tennessee Open Records Information Services
Tennessee Bureau of Investigation
901 R.S. Gass Blvd.
Nashville, TN 37216



INTERNATIONALLY ACCREDITED SINCE 1994



Bill Lee
Governor

TENNESSEE BUREAU OF INVESTIGATION

ATTN: TORIS

901 R.S. Gass Boulevard
Nashville, Tennessee 37216-2639
(615) 744-4057
Facsimile (615) 744-4289



David B. Rausch
Director

09/20/2023

DEANA M PHILLIPS
105-D COLLEGE STREET
WHITE HOUSE TN 37049

Tennessee Criminal History Records Request

NO TENNESSEE CRIMINAL HISTORY RECORD HAS BEEN FOUND FOR THE PERSON LISTED BELOW.
NOTE: All aliases submitted have been searched.

JUAN MANUEL CASTRO

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Tennessee Open Records Information Services
Tennessee Bureau of Investigation
901 R.S. Gass Blvd.
Nashville, TN 37216



INTERNATIONALLY ACCREDITED SINCE 1994

Derek Watson

From: Sharon Jessee
Sent: Wednesday, September 6, 2023 4:29 PM
To: Derek Watson
Subject: Receipt #R00297139 for Liquor/Beer Permit

City of White House
105D College St
White House, TN 37188
615-672-4350

DATE : 9/6/2023 4:13 PM
OPER : CB
TKBY : Cheri Backhurst
TERM : 24
REC# : R00297139
MISC Misc
Degallado 3 Inc 300.00
Beer and Liquor Application 300.00
110-32209 -300.00

Paid By: Degallado 3 Inc
2- Check 300.00 REF: 19-496885771

Sharon Jessee
City Court Clerk
105D College Street
White House, TN 37188
615.672.4350 ext *2137
sjessee@WhiteHouseTN.gov

*** PLEASE NOTE that my email address has changed!***

CHAPTER 2**BEER**¹**SECTION**

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Classes of permits.
- 8-209. Interference with public health, safety, and morals prohibited.
- 8-210. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-211. Prohibited conduct or activities by beer permit holders.
- 8-212. Revocation and suspension of beer permits.
- 8-213. Civil penalty in lieu of revocation or suspension.
- 8-214. Privilege tax.
- 8-215. Loss of clerk's certification for sale to minor.
- 8-216. Termination of business, or change in ownership, relocation of business or change in business.

8-201. Beer board established. There is hereby established a beer board to be composed of five (5) members appointed by the board of mayor and aldermen, one (1) of which shall be a member of the board of mayor and aldermen. Terms shall be for two (2) years except the first terms appointed shall be for one (1) and (2) years, with two (2) member's terms expiring each year. The board of mayor and aldermen's representative shall be for the duration of his term of office. A chairman shall be elected annually by the board from among its appointed members. All members of the beer board shall serve without compensation. The board of mayor and aldermen shall fill any vacancies that occur. (1979 Code, § 2-201, as replaced by Ord. #06-40, Nov. 2006, and Ord. #08-07, June 2008)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board may hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the

¹State law reference

For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in Watkins v. Naifeh, 635 S.W.2d 104 (1982).

beer board, a special meeting may be called by the chairman, provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1979 Code, § 2-202, as replaced by Ord. #06-40, Nov. 2006)

8-203. Record of beer board proceedings to be kept. The city recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1979 Code, § 2-203, as replaced by Ord. #06-40, Nov. 2006)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1979 Code, § 2-204, as replaced by Ord. #06-40, Nov. 2006)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (1979 Code, § 2-205, as replaced by Ord. #06-40, Nov. 2006)

8-206. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt beverages having an alcoholic content of not more than eight percent (8%) by weight; provided however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other nonbeverage ingredients containing alcohol. (1979 Code, § 2-206, as replaced by Ord. #06-40, Nov. 2006, as amended by Ord. #07-28, Sept. 2007, and Ord. #17-32, Dec. 2017)

8-207. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of White House. Each applicant must be a person of good moral

character and certify that he has read and is familiar with the provisions of this chapter. (1979 Code, § 2-207, as replaced by Ord. #06-40, Nov. 2006)

8-208. Classes of permits. Four (4) classes of permits may be issued by the beer board as follows:

(1) A manufacture's or distributor's permit to a manufacturer of beer for the manufacture, possession, storage, sale, distribution and transportation of the product of such manufacture, not to be consumed by the purchaser upon or near the premises of such manufacturer. A manufacturer of beer is defined as one who employs a minimum of twenty-five (25) full-time employees in the manufacture of beer.

(2) An "off-premises" permit to any person or legal organization engaged in the sale of such beverages where they are not to be consumed by the purchaser or other persons upon or near the premises of such seller. Drive in beer sales are authorized for off-site permit holders only. "Off-premises" permit holders shall be permitted to sell beer on a twenty-four (24) hour basis, seven (7) days a week.

(3) An "on-premises" permit to any person or legal organization engaged in the operation of a restaurant wherein in the sale of beer is for consumption on the premises. A restaurant is defined as a business establishment whose primary business is the sale of prepared food to be consumed on the premises and less than forty percent (40%) of its income is from the sale of beer. For the purposes of this chapter, the term "on-premises consumption" shall mean consumption within the building or on any decks, patios, and other outdoor serving areas that are contiguous to the exterior of the building for which the license is issued, except if this license is held by the proprietor of a golf course. For proprietors of golf courses, on-premises shall mean within the building or on any decks, patios and other outdoor serving areas that are contiguous to the exterior of the building and/or the course. However, no consumption shall be permitted on any parking lot. Where on-premises consumption is permitted on a golf course, beer may be purchased either at the restaurant or from a beverage cart. Any "on-premises" permit holder shall follow the hours of sale for intoxicating liquors. No "on-premises" beer permit holder shall sell or give away beer between the hours of 3:00 A.M. and 8:00 A.M. on weekdays, or between the hours of 3:00 A.M. and twelve o'clock noon (12:00 P.M.) on Sundays.

(4) A special event permit may be issued by the beer board on a case by case basis to bona fide charitable nonprofit or political organizations for a specific date and time. No more than two (2) special events permits will be granted during a calendar year.

It is unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It is likewise unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (1979 Code,

§ 2-208, as replaced by Ord. #06-40, Nov. 2006, and amended by Ord. #08-29, Jan. 2009, and Ord. #17-09, May 2017)

8-209. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. No permit will be issued authorizing the storage, sale or manufacture of beer at places within one hundred fifty (150) feet of any church or school, as measured in a straight line from the nearest corner of the school or church structure to the nearest corner of the structure where beer is to be stored, sold or manufactured. (1979 Code, § 2-209, as deleted by Ord. #05-41, Jan. 2006, as replaced by Ord. #06-40, Nov. 2006)

8-210. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years. (1979 Code, § 2-210, modified, as amended by Ord. #97-11, Aug. 1997, and Ord. #02-06, April 2002, as replaced by Ord. #06-40, Nov. 2006)

8-211. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:

- (1) Employ any minor under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer.
- (2) Make or allow any sale of beer to a minor under twenty-one (21) years of age.
- (3) Allow minors under twenty-one (21) years of age to congregate in or about his place of business.
- (4) Make or allow any sale of beer to any person reasonably believed by the seller to be intoxicated, insane, or otherwise mentally incapacitated.
- (5) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than eight percent (8%) by weight.
- (6) Have been convicted of a felony within a calendar year (January-December), which may subject the permittee to revocation of license. (1979 Code, § 2-211, as replaced by Ord. #06-40, Nov. 2006, and amended by Ord. #07-28, Nov. 2007, Ord. #14-09, June 2014, and Ord. #17-32, Dec. 2017)

8-212. Revocation of beer permits. The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Temporary suspensions of a beer permit may not exceed six (6) months. Revocation/suspension proceedings may be initiated by the police chief.

Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in consecutive twelve (12) month period. The revocation shall be for three (3) years. (1979 Code, § 2-212, modified, as amended by Ord. 99-05, April 1999; and Ord. #02-27, Nov. 2002, as replaced by Ord. #06-40, Nov. 2006, and amended by Ord. #07-28, Nov. 2007, and Ord. #17-32, Dec. 2017)

8-213. Civil penalty in lieu of revocation suspension. (1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006." Tennessee Code Annotated, § 57-5-601 et seq.

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before

the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violations so charged and shall be paid to the exclusion of any other penalty that the city may impose. (1979 Code, § 2-213, as replaced by Ord. #06-40, Nov. 2006, as amended by Ord. #07-28, Nov. 2007)

8-214. Privilege tax. There is hereby imposed on any holder of a permit under this chapter an annual privilege tax of one hundred dollars (\$100.00). At the time a new permit is issued, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. All permit holders shall remit the tax between January 1st and February 1st of each year to the City of White House, Tennessee. Failure to pay the tax on or prior to February 1st shall result in immediate, temporary suspension of the holder's permit until further review by the beer board to consider imposition of civil penalties, revocation, suspension, or such other action permitted under this chapter. Upon timely payment of the tax each year, the City of White House will issue a renewal permit to the holder. (1979 Code, § 2-214, as replaced by Ord. #06-40, Nov. 2006, and Ord. #14-05, March 2014)

8-215. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (as added by Ord. #07-28, Nov. 2007)

8-216. Termination of business, or change in ownership, relocation of business or change in business name. A permit holder must return his/her permit to the board within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change of the business name; provided that, regardless of the failure to return a permit, a permit shall expire upon termination of the business, change in ownership, relocation of interests in the business are transferred to a new owner. In the event of a change in ownership, relocation of the business or change of the business name, the permit holder may apply for a new permit. (as added by Ord. #12-04, June 2012)