



**STATE OF TENNESSEE
ALCOHOLIC BEVERAGE COMMISSION
226 CAPITOL BOULEVARD, SUITE 300
NASHVILLE, TENNESSEE 37243-0755
PHONE 615/741-1602
FAX 615/253-3782
January 20, 2009**

Mr. Charles K. Cowdery
PMB 298
3712 N. Broadway
Chicago, Illinois 60613-4198

RE: Selling of "Collectibles"

Dear Mr. Cowdery:

I am in receipt of your letter dated January 10, 2009, in which you request an interpretation of a settlement of the Randy Piper/Jack Daniels case that was reported in a local newspaper. As you are aware, this investigation was based upon the illegal sale of alcohol without a license. T.C.A. § 39-17-702 sets forth that the following:

It is unlawful for any person to sell wine, beer, ale, or any other beverage or mixed drink containing alcohol in any establishment unless the establishment is operating in compliance with all laws governing the sale of alcoholic beverage in such establishments.

Additionally, T.C.A. §57-3-204 requires an entity to sell alcoholic beverages by the bottle to obtain a retail license issued by this agency. Neither statute stated above nor any other existing statute provides an exception to the basic provision that one must hold a license in order to sell alcoholic beverages.¹ Thus, no exception allows for the sale of bottles of alcohol that may be considered by some to be a "collectible". In fact, no definition for a "collectible" exists in the laws governing the sale of alcohol in Tennessee.

I will note for informational purposes only that Mr. Piper did plead guilty to the criminal charge of selling alcohol without a license. Because he had no prior record, Mr. Piper was eligible for, and did receive, pre-trial diversion. This aspect was not reported in the local newspaper. Further, in the forfeiture proceeding, Mr. Piper paid a \$15,000

¹ However, cosmetologists licensed by the Cosmetology board may give away alcoholic beverages by the drink to their customers and certain art galleries may provide alcoholic beverages at certain events without licenses.

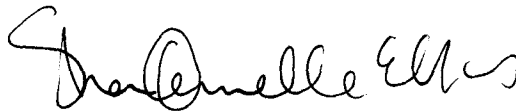
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fine, forfeiture a portion of the seized alcoholic beverages, and asserted that he would not illegally sell any alcoholic beverages in the future.

The purpose of the Tennessee Alcoholic Beverage Commission is to enforce the laws as codified by statute. Until such laws are changed by the General Assembly, a license is required to sell alcoholic beverages.

If you have any additional questions, please contact me at 615-741-1602.

Sincerely,

A handwritten signature in black ink, appearing to read "Shari Danielle Elks", with a stylized flourish at the end.

Shari Danielle Elks
Executive Director